

Promoting law student well-being through the curriculum

Rachael Field

Final report of: *Stimulating strategic change in legal education to
address high levels of psychological distress in law students*

ALTC Teaching Fellowship

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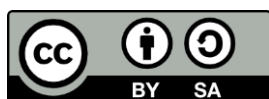
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List of acronyms used

ADR	Alternative Dispute Resolution
ALTC	Australian Learning and Teaching Council
CALD	Council of Australian Law Deans
NADRAC	National Alternative Dispute Resolution Advisory Council
OLT	Office of Learning and Teaching
TLOs	Threshold Learning Outcomes

Executive summary

The Australian tertiary sector is becoming increasingly concerned about the psychological well-being of its students. In 2011, The University of Melbourne's Centre for the Study of Higher Education hosted a National Summit to assist 'the sector to develop improved policy and practice responses to the growing incidence of mental health difficulties and mental illness on campus' (CSHE, 2011). This Summit was prompted by research across a range of disciplines that demonstrates a need to work to promote the psychological well-being of tertiary students. This work has important implications for the well-being of the professions (Leahy et al, 2011; Beaton, 2011). Building on this developing general concern in the tertiary sector, and also on the scholarship of legal academics in the US, Australian law teachers are increasingly recognising that psychological distress is an issue for our students in our discipline.

Strategic change is necessary in Australian legal education, because the psychological health of law students is a critical issue for the efficacy of student learning. Empirical research in Australia indicates that more than one-third of law students suffer from psychological distress, and the competitive, isolated, adversarial learning environment at law school has been suggested as partly responsible (Brain and Mind Research Institute, 2009). Research also indicates that the rate of psychological distress in law students is 17 per cent higher than for medical students, and more than 20 per cent higher than for the general population (BMRI, 2009).

This fellowship program has mobilised strategic change to improve the psychological health of law students. It has lead and stimulated advancement in the legal curriculum, its pedagogy, and assessment practice to better engage, motivate and support student learning of law, focussing on the potential of non-adversarial legal practice. A new conceptual framework for legal education has been developed, demonstrating the pursuit of excellence in the teaching of law, and raising the profile of learning and teaching in Australian law schools. In addition the fellowship has created a national community of practice around this issue through the Wellness Network for Law, and made significant contributions to research and scholarship in the field.

This report discusses the educational issues addressed by the fellowship, specifically, the issue of psychological distress in law students and the importance of dispute resolution as an intentional curriculum strategy to promote law student well-being. The report also explains how the fellowship's program of activities aligns with the aims of the fellowship program, and the objectives of the ALTC (and subsequently the OLT). The elements of the fellowship program of activities are also discussed – as they were proposed and as they eventuated. The curriculum approaches developed through the fellowship are explained in detail, including the model first year dispute resolution subject and the model dispute resolution motifs developed for inclusion in the core curriculum. The outcomes and achievements of the fellowship in relation to raising awareness in, and persuading, the legal academy about the importance of law student psychological well-being are considered. The key challenges of the fellowship are explained, followed by a discussion of the impact of the fellowship and its evaluation.

In designing and disseminating ways in which the law curriculum can promote the psychological wellbeing of law students, this fellowship program:

- *advanced learning and teaching* in Australian law schools by stimulating, promoting and enabling strategic change in both curriculum (content and delivery), and assessment practice.
- *was original and explored new possibilities* because it was the first teaching fellowship program to respond to the BMRI's report that established the existence of high levels of psychological distress in law students (2009), and it was the first

- program to harness the law curriculum and assessment practice in that endeavour.
- was *viable* because it acted on a clearly established *need for strategic, sustainable and workable* change in legal education, and was *feasible* because it had the strong support of my home institution, Queensland University of Technology, through my Head of School (Professor Ros Mason), and the Executive Dean of the Law Faculty at the time the fellowship was awarded (Professor Michael Lavarch).
- The fellowship represents value for the funding amount invested in it because the fellowship's curriculum developments and their positive impact on the quality of legal education, and on the psychological health of law students, is reaching across the entire Australian legal academy (which, significantly, now includes 36 law schools with more than 24,000 law students). Further, the enhancement of student motivation and engagement and the improved quality of learning outcomes for law students that can be achieved as a result of the work of the fellowship program will potentially have additional important flow-on consequences: for example, there may be a positive reduction in the currently relatively high attrition rates for law through improving student well-being. The true value of these outcomes is unquantifiable.

The work of the Fellowship has had wide-ranging impact. This impact has occurred at a local institutional level as well as at both national and international levels.

Locally, the QUT Law School has run the subject LWB150: *Lawyering and Dispute Resolution* annually as an elective in the first year curriculum since 2011. Each offering of the unit has achieved an enrolment of around 250 students. In the new curriculum, to commence in 2015 as a result of a recent curriculum review, there is to be a first year first semester dispute resolution subject that is a core compulsory subject for the first year cohort. Designed and written by myself and James Duffy, this subject will implement but also build on the curriculum initiatives developed through the fellowship. It will use the text *Lawyering and Positive Professional Identities* – written by myself, James Duffy and Anna Huggins as the culmination of the fellowship program.

The national level of impact of the fellowship has occurred through dissemination activities such as seminars, workshops and conference presentations, as well as through the scholarship generated as a result of the fellowship, and the establishment of the Wellness Network for Law. For example, the running of three national Wellness for Law Forums has had an impact at the national level. There are now more than 100 members of the Wellness Network for Law who are subscribed to the email list serv. National impact has also been achieved through the www.wellnessforlaw.com website and the @WellnessforLaw Twitter presence which now has more than 1000 followers. Academic resources such as scholarly articles and conference papers have been made available to a wide national (and international) audience through the Tristan Jepson Memorial Foundation website (see www.tjmf.org.au/resources/wellness-network/), and through the Wellness for Law website.

At an international level, my presentation to legal scholars and professionals in the UK and the US in 2012, in Vancouver Canada in 2013, and in the UK (in April and in September) in 2014 was a positive opportunity to disseminate the work of the fellowship. As a result of these presentations a contract has been signed for an edited book in the Ashgate Legal Education Series edited by Prof Paul Maharg, and a UK branch of the Wellness Network for Law is to be established and linked to the wellnessforlaw.com website.

In our article of 2012 James Duffy and I (Field and Duffy, 2012, p.137) put the following challenge to those in the legal academy who remain resistant to acting to support the psychological well-being of law students:

It is time for the nay-sayers to front up. For those who think the methods, the data, or the academy's collective analysis of that data is overstated, meet us in print and explain why our concerns for law student stress levels, anxiety and depression are exaggerated, or should not be acted upon.

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Chapter 1 - Introduction

The study of law can have serious effects on the psychological health of law students. Scholarship in the US has long-established that legal academics are right to be concerned about the psychological well-being of law students (Watson, 1968; Benjamin et al, 1986; Daikoff, 2004; Sheldon and Krieger, 2004 and 2007). In a study of US law students conducted as long ago as 1986, for example, Benjamin et al. found that symptoms of psychological distress rose significantly for students in their first year of law school (compared to levels in the general population at that time), and persisted throughout the degree to post-graduation.

We now know that concern is also justified in Australia. In 2009, the Brain and Mind Research Institute (BMRI) of The University of Sydney provided the first empirical evidence that Australian law students also suffer disproportionately high levels of psychological distress (Kelk et al, 2009). The BMRI found that more than one third (35per cent) of law students suffer high to very high levels of psychological distress (Kelk et al, 2009, 11). These levels of psychological distress are 17per cent higher than those recorded for medical students, and more than 20per cent higher than those found in the general population (Kelk et al, 2009, 12).

Since the publication of the BMRI report a number of Australian legal and psychology scholars have collaborated to independently test the BMRI findings by empirically investigating the psychological well-being of students at their own law schools (Hall, Townes O'Brien and Tang, 2010; Townes O'Brien, Tang and Hall, 2011(a) and (b); Antolak-Saper, England and Lester, 2011; Larcombe et al, 2012). This research confirms that law students suffer concerning high levels of psychological distress. Tani and Vines' 2009 analysis of a study at The University of New South Wales also supports the BMRI's finding of high levels of depressive illness in law students (Tani and Vines, 2009). The study conducted at The Australian National University in 2009-2010 has made some preliminary findings that the first year of legal education contributes to higher stress and distress levels in students of law (Hall, Townes O'Brien, and Tang, 2011(a)).

Since the publication of the BMRI report, a body of scholarship has developed about co-curricular and curricular strategies designed to intentionally promote the resilience and well-being of law students (Fitzsimmons, Kozlina and Vines, 2006; Galloway and Bradshaw, 2010; Field and Kift, 2010; Bromberger, 2011; Watson and Field, 2011; Duffy, Field and Shirley, 2011; Vines, 2011). Another development since the publication of the BMRI Report concerns the Threshold Learning Outcomes (TLOs) for legal education which were developed through the Australian Learning and Teaching Council (ALTC) (now the Office of Learning and Teaching (OLT)) in 2010 by the Law Discipline Scholars (Kift, Israel, Field, 2010). One of the six TLOs is specifically focussed on the skill of student self-management (Huggins, Kift and Field, 2011; Marychurch, 2011). In addition, issues of psychological well-being have been considered from a clinical and practical legal education perspective (James, 2011 (a) and (b)); resilience initiatives are being introduced to a number of law schools around Australia (for example, at Wollongong University, Macquarie University, and Queensland University of Technology); at least one research degree has been completed on the issue (Huggins, 2012); and law students themselves are increasingly active in seeking to address student depression and anxiety (Australian Law Students' Association, 2011(a) and (b)).

In 2011, Howieson's research at The University of Western Australia provided evidence that the knowledge skills and attitudes taught through dispute resolution subjects can support student well-being, particularly by creating a sense of belonging. In addition, Kathy Douglas' doctoral study (2011), which concerned an analysis of the narratives of law teachers as to the content and pedagogies employed in teaching courses on alternative dispute resolution (ADR), established the importance of dispute resolution knowledge and skills as part of the law students' toolbox.

It is in this context that the ALTC awarded this fellowship in 2010 to work on curriculum renewal in legal education. The intention of the fellowship was to strategically harness the curriculum, and in particular the teaching of dispute resolution, to address the high levels of psychological distress being experienced by law students, and to promote law student well-being. The fellowship's program of activities provided national leadership on this issue by:

- raising awareness in the legal academy about the importance of law student psychological well-being;
- persuading the legal academy to accept the need for strategic change in legal education, and the efficacy of the proposed approaches for achieving that change; and
- designing model curriculum and assessment practice that engage, motivate and support law student learning.

First, this report discusses the educational issues addressed by the fellowship, specifically, the issue of psychological distress in law students and the importance of dispute resolution as an intentional curriculum strategy to promote law student well-being. Second, the report explains how the fellowship's program of activities aligned with the aims of the fellowship program, the objectives of the ALTC (and subsequently the OLT). Third, the elements of the fellowship program of activities are discussed – as they were proposed and as they eventuated. Fourth, the curriculum approaches developed through the fellowship are explained in detail, including the model first year dispute resolution subject and the model dispute resolution motifs developed for inclusion in the core law curriculum. Next the outcomes and achievements of the fellowship in relation to raising awareness in, and persuading, the legal academy about the importance of law student psychological well-being are considered. The key challenges of the fellowship are then explained, followed by a discussion of the impact of the fellowship and its evaluation.

Chapter 2 – Educational issues addressed by the fellowship

Psychological distress in law students

The work of Helen Stallman in 2010 and 2011 has established that the psychological well-being of tertiary students, across all disciplines, should be a concern for university educators. More recently, Wendy Larcombe's work at The University of Melbourne confirms that elevated levels of psychological distress are occurring in students across the university and this phenomenon is not limited to specific disciplines (2014). The quality of tertiary student learning, the standards of student engagement, and the depth of student learning, are undoubtedly negatively impacted by high levels of psychological distress in students. Important work at Queensland University of Technology on teaching resilience to teenagers and adults is an important development in this area (Ryan, Shochet and Stallman, 2010) for the Australian tertiary sector.

Whilst supporting the psychological well-being of Australian university students at large should be a focus for all tertiary educators, there is now specific Australian evidence that concern is warranted for law students, and that legal educators have a particular imperative to act to promote law student well-being. In 2009 the BMRI report provided the first Australian empirically robust evidence, confirming what many law academics understood intuitively; namely, that about one third of law students are experiencing elevated levels of psychological distress.

The Australian evidence on law student psychological distress

The BMRI surveyed 741 law students studying at 13 Australian law schools. The study revealed that 35.2 per cent of law students experience high levels of psychological distress. This was almost twice the level of psychological distress found in medical students (17.8 per cent), and significantly higher than the 13.3 per cent of people aged between 18-34 in the general population who experience psychological distress (Kelk et al, 2009, 12).

Since the publication of the BMRI report, a body of consistent empirical findings has developed related to the decline of law student psychological well-being during their time at law school. The developing scholarship by legal academics, often in collaboration with psychology colleagues, on law student psychological well-being has become increasingly sophisticated. A clear shift has occurred from anecdotal reporting of law student distress, to the provision of rigorous empirical evidence of the phenomenon.

The recent studies in Australia have approached the issue with both cross-sectional and longitudinal empirical methodologies. Cross-sectional studies in Australia have generally taken the approach of comparing the psychological well-being of law students with students from other disciplines and members of the public at large (who are of a similar age) (Kelk et al, 2009, 114). The cross-sectional studies provide evidence about the psychological well-being of these groups that relates to a single point in time. They also tell us whether law students are experiencing the symptoms of psychological distress at a higher rate than students from other degrees and general members of the population. Examples of this type of research in Australia include the BMRI report, and studies conducted at The University of New South Wales (Tani and Vines, 2007), and The University of Adelaide (Leahy, 2010).

Longitudinal empirical studies on levels of law student psychological distress in Australia and the US have focussed on a particular cohort of law students across different points in time of their legal studies. Typically, such studies survey a group of students before they begin law school, and survey them again (using the same instruments) at different points during the law degree. Longitudinal empirical studies indicate, first, whether law school is the causal agent of law student distress (Benjamin et al, 1986, 228; Kelk et al, 2009, 114); and

second, at what stage in the law degree the psychological well-being of law students deteriorates. Longitudinal studies therefore provide additional information and address some of the gaps in the knowledge acquired through cross-sectional studies.

The BMRI results have already been noted above, as an example of a cross-sectional study. Tani and Vines' cross-sectional study of students at the University of New South Wales was not specifically designed to assess levels of law student psychological distress (2007, 3), but it did indicate that law students, at statistically significant levels, and in contrast to university students in other disciplines (including those studying medicine):

- Are more likely to be studying their course for reasons external to themselves;
- Are less likely to find their studies intrinsically interesting;
- Have less interest in group work;
- Are more likely to view friendships as future networking and career advancing opportunities;
- Are disproportionately concerned about their grades (Tani and Vines, 2007, 24-25).

Tani and Vines interpreted these results as showing that law students experience a lack of autonomy, high levels of competitiveness and a lack of social connectedness during their law degree (2007, 30). These factors have all been linked with (and are possible explanations for) the development of depression, anxiety and psychological distress (Sheldon et al, 2001).

Another cross sectional study was conducted in 2010 by Leahy et al at the University of Adelaide to test the prevalence of psychological distress in different faculties. Of the 955 students surveyed, 48per cent were classified as being psychologically distressed. Of these, law students were the highest ranking in experiencing distress at a rate of 58per cent. Law students were followed by mechanical engineering students (52per cent), medicine students (44per cent) and psychology students (40per cent). This study did not explore the possible causes of, or contributing factors for, the student experience of psychological distress. Nor did it investigate in detail why law students appear to be suffering psychological distress at higher levels than their peers in other disciplines. However, the study does clearly show that there is justification for legal academics to work to promote law student psychological well-being.

Law schools can learn several lessons from the cross sectional studies. First, the incidence of psychological distress in law students is high and needs to be addressed. Second, it is not possible to identify with precision the exact factors that are causing this psychological distress. Third, cross-sectional studies (by themselves) cannot tell us whether it is law school that is creating these levels of psychological distress, or whether prospective law students already possess these attributes. Fourth, if law school is somehow causing or contributing to this psychological distress, cross-sectional studies (by themselves) cannot tell us when in the law degree psychological distress is most likely to occur.

For these reasons the longitudinal studies in Australia are important. At this stage one longitudinal study and one quasi-longitudinal study have been conducted on law student well-being. In 2011, Lester, England and Antolak-Saper published the results of a study at Monash University which examined whether changes occurred in law students' levels of depression, anxiety, stress and physical well-being, throughout the first year of law school. Students completed questionnaires at the beginning of semester 1 2009 and at the end of semester 2 2009. The results showed that at the beginning of the year, 8.5per cent of students reported symptoms indicating moderate to very high levels of depression, with an additional 6per cent reporting mild symptoms. At the end of first year, more than 15per cent fell into the moderate to very high category, with a further 12per cent reporting mild symptoms of depression (Lester, England and Antolak-Saper, 2011, 48). These results indicated a statistically significant increase in symptoms of depression between the beginning and end of the first year of law school.

In 2010 and 2011, Townes O'Brien, Tang and Hall also published empirical research aimed at documenting the extent of psychological distress experienced by first year law students at the Australian National University. Another aim of the research was to discover whether law student distress levels changed during the first year of law school. One group was surveyed at the end of 2009 (cohort 1) and the following year a different cohort was surveyed at the beginning of the year (cohort 2a) and again at the end of the year (cohort 2b). For the purpose of their analysis, the results from cohort 1 and cohort 2b were combined, so that comparisons could be drawn between a start of year group and an end of year group only. With respect to depression, the start of year group results indicated that 14.3per cent of law students suffered moderate to extremely severe symptoms of depression. The end of year group showed 31.5per cent of students fell into the same categories. When taking into account other results that were generated by their use of the DASS-21 survey instrument (related to anxiety and stress) and general population data also gathered through the DASS-21, Townes O'Brien, Tang and Hall (2011, 161) were able to conclude that:

- Law students in their first week of study had similar, or lower, levels of psychological distress compared with Australians aged 18-24;
- Law students towards the end of their first year of study had more symptoms, or a greater intensity of symptoms, of depression and stress, compared with both beginning of year students and young Australian adults generally;
- Beginning of year law students had slightly higher levels of anxiety compared with young Australians, with small increases in the intensity of, or number of, symptoms over the academic year.

The results from these Australian longitudinal studies are consistent with US longitudinal studies on law student well-being that have been conducted since 1986. The work of Benjamin et al at the University of Arizona Law School (1986), Iijima (1998), Pritchard and McIntosh at the University of Denver College of Law (2003), Sheldon and Krieger at Florida State University (2004) all confirm and support the research conducted at Australian Universities. Further, Daikoff's synthesis of the available research in 2004 indicated that whilst 'prelaw students appeared almost normal' the mental health of law students 'greatly declined by the end of the first year in law school' (2004, 116). Indeed, the key measures of positive well-being (positive mood, self-actualisation, and life-satisfaction) all decreased in the first year; and the key measures of negative well-being (physical symptoms, negative mood and depression) all increased in the first year (Daikoff, 2004, 116). The US empirical research also suggests that symptomology of psychological distress in law students does not significantly decrease throughout the law degree or into the first few years of legal practice (Benjamin et al, 1986, 246; Pritchard and McIntosh, 2003, 728).

The key learnings from the longitudinal studies are that there are no significant psychological differences between law students and the general population before they begin law school, and that symptoms of psychological distress appear early in the first year of law school with negative affect and depression being more prevalent at the end of first year, compared to the beginning of the year. Further, that law student distress continues to manifest as mental health issues in the profession. Current research on this issue is being conducted by Stephen Tang, Tony Foley and others at The Australian National University Legal Workshop.

There is, therefore, a significant body of evidence to justify the focus of this fellowship on seeking ways to promote law student well-being through the law school curriculum.

The possible causes of psychological distress in law students

It was noted above that researchers are not yet able to identify with any precision the exact causes of the high levels of psychological distress being experienced by law students. Indeed, the BMRI report candidly acknowledged this fact (Kelk et al, 2009, 43). The

longitudinal studies do indicate, however, that it is law school, or something to do with the student experience at law school, that is at least one possible cause of these elevated levels of psychological distress. Krieger has gone so far as to say that something 'distinctly bad' is happening in law schools (2002, 115).

The BMRI report tentatively pointed to the highly competitive nature of the learning environment at law school. They noted, for example, that law students experience high levels of competition in relation to their peers (competing for good grades and limited jobs) and suggested that such competition may reduce levels of support and feelings of camaraderie within a cohort (see also Stallman, 2012). Additionally, the report suggested that legal thinking styles which are pessimistic by nature (adversarial, risk adverse, searching for a problem, focussed on the negatives of a situation, and contemplating worst case scenarios) may transfer into the realms of everyday life, further promoting psychological distress (Kelk et al, 2009, 46). This conclusion has been supported by the work of Townes O'Brien, Hall and Tang at The Australian National University (2010, 2011).

Many students are therefore experiencing law school as an adversarial, intimidating and competitive environment. The US research argues that this experience has a negative impact on student values and levels of motivation (Hess, 2002; Sheldon and Krieger, 2004; Krieger 2005; 2008). The Australian research supports this (Hall et al, 2010, 21). The learning environment at law school can cause students, from their first year, to feel isolated, inferior, inadequate, anxious, alienated, paranoid and depressed (Benjamin et al, 1986, 236; Lake, 1999-2000). The decline in law student psychological well-being has also been identified as relating to the heavy workload at law school, the teaching methods adopted, pressures to keep up and perform, and a lack of life skills to contextualize the learning of law (Howieson & Ford, 2007; Roach, 1994).

US scholars have also noted that law schools require students to think predominantly in rigorously analytical ways, rewarding intellectual excellence at the expense of other qualities such as values and character (Krieger, 1998-1999, 24). The emotional dimension of the law and of legal practice are rarely addressed in the classroom, and Silver argues that a lack of emotional intelligence in law students contributes to their disproportionately high levels of stress, substance abuse, and depression (Silver, 1999). Law students are also taught to favour objectivity and impartiality in their approach to advocacy, and to put aside their own conscience and personal responses. To achieve this, students are taught to compartmentalise values and feelings. This can result in their becoming disconnected from their sense of self which has a detrimental impact on their well-being (Krieger, 1998-1999, 25). Daikoff highlights research that suggests that students who choose law may have a predisposition to pessimism and depression (which can be associated with academic high achievers) (2004, 117). It has also been suggested that many law students wear a 'social mask' that allows them to project an image of being strong, confident, active and enthusiastic, whilst on an intrapersonal level they in fact feel insecure and unsure (Reich, 1976).

The adversarial nature of law school and the general lack of a concentration on holistic and reflective practice are considered central to the occurrence of high levels of psychological distress in law students (Reich, 1976, 874). For this reason the BMRI report recommended a greater emphasis in the legal curriculum on positive and collaborative lawyering through less adversarial approaches to legal problems and problem solving (Kelk et al, 2009, 46-47). This recommendation has been a guiding and critical element of the approach of this Fellowship, and is discussed in more detail below.

A focus on the first year experience of law

The longitudinal studies discussed above show clearly that law student psychological well-being declines in the first year of their experience of law school. For this reason the curriculum strategies developed through this fellowship have focussed on the first year.

Segerstrom's work in the 1990s provided data that assist with understanding the particularly stressful nature of the first year of law (1996). Segerstrom identified that an actual or perceived loss of control leads to feelings of helplessness, resulting in a state of stress. Segerstrom's study was based on only a small sample of 52 first year students in one US law school. However, it provides a useful index of 6 stressors experienced by law students in their first year. These stressors contribute to an elevation in the levels of law student psychological distress. The stressors are (in descending order):

- a lack of feedback, and particularly a lack of positive feedback,
- pressure associated with law studies,
- the amount of time required to study law and the impact this had on time for family and friends,
- the difficulty of the material being learned,
- the competitive, demanding nature of the academic environment, and
- the lack of recreation time (Segerstrom, 1996, 602).

The fellowship's focus on the first year of law school, and the development of curriculum strategies to support first year law students, has also been informed by Kift's 'transition pedagogy' which was developed through an ALTC Senior Teaching Fellowship (Kift, 2009; Queensland University of Technology, 2009). The transition pedagogy includes two principles of curriculum design for the first year experience that are particularly relevant to the work of this fellowship; namely, transition and engagement. The transition pedagogy makes it clear that law student transition to tertiary study and law student engagement must be supported through the curriculum if the stressors identified by Segerstrom are to be addressed. The transition principles require curriculum to be designed to assist students to 'transition from their previous education experience to the nature of learning in higher education, learning in their discipline and to life-long learning' (QUT, 2009, 3). Kift identifies 'independent learning and academic agency', 'self-belief and academic confidence', 'guided reflection on the way in which they learn' and 'understanding the cognitive and affective hierarchy' as important areas in which students need support with their transition (QUT, 2009, 3). The engagement principle of the transition pedagogy concerns 'learning, teaching and assessment approaches in the first year curriculum that enact an engaging and involving curriculum pedagogy and enable active and collaborative learning' (QUT, 2009). Krause argues that 'the well-adjusted and engaged student is one who assesses and reassesses their thinking as transitions and opportunities to engage in different ways continue through and beyond the first year of university' (2006, 5). Engagement through the curriculum requires an intentional embedding of 'active and interactive learning opportunities, and other opportunities for peer-to-peer collaboration and teacher-student interaction' (QUT, 2009, 7). It also requires the provision of timely and positive feedback (Ramsden, 2003, 96).

The fellowship curriculum design work adopted a number of critical strategies to achieve support for student transition to law school as well as student engagement including the teaching of dispute resolution knowledge, skills and attitudes, a focus on developing a positive professional identity for law students, and the use of reflective practice as an assessment approach. These strategies are discussed in more detail below and in later sections of this report.

The importance of teaching dispute resolution as an intentional curriculum response to law student distress

Dispute resolution processes are often referred to as 'alternative dispute resolution' (ADR) (NADRAC, 2009, 62). They include negotiation, mediation, conciliation and arbitration processes. Recently, Macfarlane has proposed an approach to 'conflict resolution advocacy' that evidences the critical role of lawyers in contemporary practice as dispute analysts, managers and resolvers (2007). The approach shows that dispute resolution processes are

increasingly being used in modern legal practice. Contemporary practice is seen as requiring lawyers to have a thorough understanding of ADR options along with a non-adversarial orientation to inform a three-step analysis of a client's dispute. This three-step process involves: first, an evaluation of the conflict; second, a consideration of the range of appropriate options to resolve or manage the conflict; and third, the provision of appropriate counsel to the client (2008, Ch 5). Macfarlane's conflict resolution advocacy includes much of the knowledge, skills and attitudes that Weisbrot (2002, 2004) and Kift (1997, 2008) have long argued should be part of a lawyer's repertoire, and of legal education. Increasingly, dispute resolution subjects are seen as critical opportunities in legal education for the development of these critical elements of legal knowledge, skills and attitudes (Macfarlane, 2008, 30-34; King et al, Ch 16; Kupfer Schneider, 2000; Nolan-Haley, 2002).

Dispute resolution skills are increasingly an essential component of the contemporary lawyer's tool-kit, but have not traditionally been taught at law school, at least in the core curriculum. This is because legal education has tended to focus on the traditional adversarial construct of the legal identity. As a result, the study of dispute resolution has not been amongst the key subjects required for students to be eligible for admission to practice as a lawyer. Also, the law curriculum continues to be dominated by legal content and doctrinal knowledge established by appellate decisions, and the use of case-based teaching delivery methodologies. These approaches have been said to promote a philosophical map that is oriented towards adversarial processes (Riskin & Westbrook, 1989). Townes O'Brien has suggested that the traditional legal curriculum, and the way that it is taught, implicitly (if not explicitly) 'pedestals' the adversarial paradigm and cultivates an overly adversarial approach within our students to the law and its practice (2011, 43). This adversarial ethos is said to:

constrain the way that students conceptualise their future roles and limits the possible space available to them for legal creativity, constructive lawyering and peacemaking. The ethos may also contribute to a law school climate that is hostile and stressful for many students.

Not only does the traditional law curriculum confine and constrain the legal identity and its ethos, but it limits legal thinking to logical, non-emotional and analytical thinking (King et al, 2009, 244). Under this model, success as someone who 'thinks like a lawyer' requires qualities of detachment, adversarialism and neutrality. Larry Krieger criticises this approach to legal thinking for 'defining people (or 'parties') primarily according to their legal rights, and trying to understand, prevent or resolve problems by linear application of legal rules ... usually adopting a zero-sum competitive approach to outcomes' (2002, 117). He argues that: 'thinking like a lawyer is fundamentally negative; it is critical, pessimistic and depersonalising. It is a damaging paradigm in law schools because it is usually conveyed, and understood, as a new and superior way of thinking, rather than an important but strictly limited legal tool' (2002, 117).

Although traditionally the court system and case law have been presented at law school through the curriculum as the first (and often only) method of dispute resolution, (as opposed to a process of last resort), it is increasingly acknowledged that an understanding of dispute resolution knowledge and skills is important for Australian law students. Principles of non-adversarial justice and dispute resolution are certainly becoming more and more prominent across many domains of current legal practice (Douglas 2008, 2011; Gutman, Fisher and Martens, 2006). Commentators are also increasingly recognising that unless the current legal curriculum explicitly introduces students to the non-adversarial dispute resolution oriented legal paradigm, through subjects dedicated to dispute resolution, students will be entering legal practice ill-equipped in terms of their knowledge, skills and attitudes. In 2012, the (now abolished) National Alternative Dispute Resolution Advisory Council (NADRAC) called for the stronger integration of ADR in legal education (2009 and 2012). A similar call has also come from Australian State Attorneys-General, for example, in Victoria (Victorian Law Reform Committee, 2009, 161) and New South Wales (Hatzistergos, 2010).

From an international perspective, the influential 2007 report on legal education from the United States, the Carnegie Report, emphasised both the importance of ADR as a critical legal skill set, and also the value of dispute resolution in the legal curriculum (Sullivan et al, 2007). The Carnegie Report also highlighted the opportunity that dispute resolution courses provide for law students to engage in active, experiential learning, and learning that promotes reflection on 'professional identity, responsibility, and conduct' (Sullivan et al, 2007, 114). Fisher et al (2007) have shown that learning dispute resolution knowledge and skills at law school can profoundly shift the conflict orientation of law students from an adversarial to a less adversarial view.

Critically, in terms of the particular focus of this fellowship, Howieson and Ford have shown that teaching dispute resolution at law school can contribute to the psychological well-being of students (2007). In their study, Howieson and Ford evidenced that students at the University of Western Australia Law School who completed an ADR unit had a heightened sense of belonging to the school which was linked to higher levels of student engagement. Howieson (2011) conducted further research into the effect of learning dispute resolution on student mental health and found that the experiential nature of the learning and teaching strategies, for example, the use of role-plays, contributed to student well-being. Dispute resolution subjects also promote law student psychological well-being because they support students to engage with, freely discuss and analyse, emotion, and they teach students strategies to deal with emotion in conflict (Douglas and Batagol, 2010, 115-116).

Whilst many Australian law schools do include some form of dispute resolution instruction as part of their undergraduate and juris doctor curricula (a post-graduate offering of the content of the LLB), this is most often through elective offerings. Very few law schools teach dispute resolution as a core compulsory subject. La Trobe University (Gutman et al, 2006), Monash University and the new curriculum at Queensland University of Technology (to be introduced in 2015) are notable exceptions. The Law Schools at the University of Western Sydney and UWA are also introducing ADR into their core curriculum. ADR education is also provided at law schools throughout Australia by way of post-graduate programs, pre-admission training in practical legal training courses and through continuing professional development programs for lawyers (Brabazon & Frisby, 1999; Douglas, 2011).

In response to our experiences of promoting the work achieved through this fellowship, Duffy and I have argued that there at least 10 key and unequivocal reasons why law students benefit from instruction in dispute resolution at law school, and why it should form part of the core curriculum of legal education (Duffy and Field, 2014). These reasons are:

- legal education should respond to the knowledge, skills and attitude needs of contemporary legal practice,
- increasingly dispute resolution practices are being mandated by legislation, that is, lawyers are being required to engage in dispute resolution process before they litigate,
- lawyers now have a statutory duty to advise their clients about dispute resolution options and need dispute resolution knowledge in order to be able to discharge this duty,
- teaching dispute resolution to students provides excellent opportunities to also teach students emotional intelligence (a critical skill for effective lawyering),
- helping clients with conflict is at the heart of the lawyer's role,
- dispute resolution subjects can support student well-being,
- dispute resolution subjects provide opportunities to teach many of the TLOs for law, for example, thinking skills, communication and collaboration skills, and self-management,
- dispute resolution subjects can support students in developing a positive

- professional identity (which can also be linked to well-being),
- the National ADR Advisory Committee (unfortunately abolished in September 2013) has provided strong support for the inclusion of dispute resolution in the legal curriculum, and
- law students themselves are asking for dispute resolution skills and knowledge.

It was an important part of the work of this fellowship that a first year dispute resolution subject was the location for the strategic curriculum design and renewal work to promote law student well-being. It is also a significant development that a revised version of that subject will now be a part of the core first year subject in the law degree at the Queensland University of Technology, with the text written through this fellowship as one of its prescribed texts.

A clear justification for the work of the fellowship and its ongoing significance

This chapter of the report has demonstrated a clear justification for the work of this fellowship. Although the formal part of the fellowship is now complete, the work of the fellowship will be on-going because of the critical need to continue to promote the psychological well-being of law students across Australia. The establishment, through the fellowship, of the Australian Wellness Network for law, discussed in chapter 9 below, will in part assist like-minded colleagues to contribute to this work. Additional sources of funding will also be sought to resource the continuation of the fellowship's work. For example, the 2014 Wellness for Law Forum was funded by the Dean of the Faculty of Law at Queensland University of Technology, and the proposed 2015 Forum is to be funded by the Legal Workshop at the Australian National University. It is hoped that this form of institutional support for the on-going work of the fellowship from law schools around Australia will become a regular source of funding.

Whilst I will personally continue to seek to ensure the continuation of the work initiated through the fellowship, the imperative to act to promote law student well-being must now increasingly be taken up by law faculties and individual legal academics. The existence of clear and unrefuted empirical evidence about law student psychological distress means that it is no longer possible for the legal academy to ignore this issue. The fact that there is a significant problem must be acknowledged. The legal academy must take ownership of the problem, recognise our agency in supporting the psychological well-being of our students, and collectively engage with the imperative to act. As legal educators we have an ethical obligation to do no harm to our students and to promote their well-being (Duffy, Field and Shirley, 2011). This acknowledgement has begun with the *Guidelines for Law Schools on Promoting Law Student Well-Being* which have been endorsed by the members of the Council of Australian law Deans (CALD). However, there is still a significant amount of work to be done.

Chapter 3 Alignment of the fellowship activities and outcomes with the aims of the fellowships scheme and the OLT

Chapter 2 established that the fellowship program was focussed on an issue of educational significance in the contemporary tertiary sector. The unacceptably high levels of psychological distress in law students are an important issue from a learning and teaching perspective because students who suffer from psychological distress are likely to experience low levels of motivation for their learning, have a diminished capacity to engage with their legal education and are less likely to experience deep and positive learning outcomes (Krieger, 2002).

For many law students, this means that their learning of the law and their attainment of the graduate capabilities relevant to legal practice are impeded from developing in an optimal way at law school. The fellowship has demonstrated that this situation requires immediate and dedicated action, particularly in the light of the national widening participation agenda, and also the standards of tertiary education agendas. The widening participation agenda, for example, means that increasingly diverse cohorts of students are choosing to study law, and legal education must be designed and taught so as to prevent rather than cause the onset of psychological distress for students from a diverse range of backgrounds and contexts. This requirement is more than simply a response to a learning and teaching dilemma. Through the fellowship I have argued that it is our ethical duty as legal educators to promote the well-being of students at law school. This duty can also be considered through the lens of an obligation to our profession (Field and Duffy, 2012). That is, the well-being of law students should be promoted and protected because it has flow-on consequences into the legal profession in terms of the psychological health of legal practitioners (Kelk et al, 2009).

In designing and disseminating ways in which the law curriculum can promote the psychological wellbeing of law students, this fellowship program aligned with the values and strategic priorities of the ALTC (as of 2010), and subsequently of the OLT, in the following ways:

- First, it *advanced learning and teaching* in Australian law schools by stimulating, promoting and enabling strategic change in both curriculum (content and delivery), and assessment practice. In advancing legal education across these key areas of engagement with staff and students, the fellowship program has provided tools to promote student psychological well-being by enhancing student motivation and engagement levels, and consequently, improving the depth and quality of student learning outcomes. The strategic change achieved through the fellowship program has potential benefits for all students of law and has had a real impact on the future framework of legal education in Australia. The fellowship has raised the profile of teaching and learning in Australian law schools through a range of engaged and active dissemination activities including seminars, workshops and forums which are discussed in Chapter 4.
- Second, the fellowship program was *original* and *explored new possibilities* because it was the first teaching fellowship program to respond to the BMRI's report that established the existence of high levels of psychological distress in law students (2009), and it was the first program to harness the law curriculum and assessment practice in that endeavour.
- Third, the program of activities was *viable* because it acted on a clearly established *need for strategic, sustainable and workable* change in legal education, and as a fellow I had the necessary *experience and expertise* to achieve the program successfully. The fellowship program was *feasible* because it had the strong support of my home institution, Queensland University of Technology, through my Head of School (Professor Ros Mason), and the Executive Dean of the Law Faculty at the time the fellowship was awarded (Professor Michael Lavarch).

- Fourth, the fellowship represents value for the funding amount invested in it because the fellowship's curriculum developments and their positive impact on the quality of legal education and on the psychological health of law students is reaching across the entire Australian legal academy (which, significantly, now includes 36 law schools with more than 24,000 law students). Further, the enhancement of student motivation and engagement and the improved quality of learning outcomes for law students that can be achieved as a result of the work of the fellowship program will potentially have additional important flow-on consequences: for example, there may be a positive reduction in the currently relatively high attrition rates for law through improving student well-being. The true value of these outcomes is unquantifiable.
- Finally, whilst the issue of student psychological health has been proven by the available empirical evidence to be of particular significance for the discipline of law in Australia, scholars in this field are increasingly recognising that the issue is also one of relevance to other disciplines, and that it exists in other countries. Invitations for me to speak in the UK (in 2012 and 2014), and the achievement of a book contract with the UK publisher Ashgate for an edited work on Wellness for Law (with 15 chapters to be authored by scholars who are members of the Wellness Network), are testimony to this. This fellowship program will potentially, therefore, continue to inform strategic change to promote student well-being through teaching and learning strategies across a range of disciplines, both in Australia and internationally.

Chapter 4 – The fellowship’s program of activities and outcomes

The program of activities completed for this fellowship has provided national leadership to the Australian legal academy on both the importance of addressing the high levels of psychological distress in law students, and ways to use the legal curriculum to promote law student well-being. The fellowship program has endeavoured to promote change in the *nature of the legal education environment* itself, so that it is more *motivating, engaging and supportive*, and a *more positive and less stressful learning experience*.

The framework for the fellowship’s program of activities included the following three activities:

1. *Raising awareness* in the legal academy of the importance of law student psychological health.
2. *Persuading* the legal academy to *accept the need for strategic change* in legal education, and the efficacy of the *proposed approaches for achieving that change*.
3. *Modelling* good curriculum and assessment practices that *engage, motivate and support student learning*.

The *conceptual framework* for the implementation of the fellowship program was adapted from Laurillard’s conversational framework (2002, 86), and designed to be an *iterative process* with a focus on *discursive, adaptive, interactive and reflective* components. The framework operated at two levels: first at the level of *description* of the issue, and second at the level of *action* on the issue. The framework guided the awareness raising and persuasion activities of the fellowship (*descriptive and active* dialogue, adaptation, interaction and reflection); as well as the modelling of effective, sustainable, strategic change in curriculum and assessment practice in Australian legal education (*action* that is adaptive, interactive and reflective).

Fellowship program, activities 1 and 2: Raising awareness in the legal academy of the importance of law student psychological health, and persuading legal academics that strategic change is necessary.

The task of raising awareness in the legal academy of the importance of law student psychological health, and of persuading the academy that strategic change in the legal curriculum is necessary to address the issue, was an important but difficult one. Through the fellowship, more than 40 presentations were made through which I actively disseminated the results of the BMRI report, other Australian and international empirical evidence, and also the work of the fellowship, by way of face-to-face meetings, seminars, workshops and discussions at law schools around Australia.

Under the auspices of the fellowship, three Wellness for Law Forums were held in 2012, 2013 and 2014 in conjunction with (and with the financial support of) the Law Schools of RMIT University, Melbourne University and Queensland University of Technology. These Forums have been an important strategy in achieving the awareness raising and persuasion activities in an efficient and cost effective way. The first Forum had an attendance of 40 people. At the second Forum attendance grew to slightly over 100 people. The attendance for the third Forum was approximately 80 delegates across the two days with members of both the legal academy and the legal profession amongst the speakers and the audience.

Through these dissemination activities I have observed and experienced growing collegial support for the goals of the fellowship. However, I have also experienced some levels of cognitive dissonance and evidence of rationalisation tendencies amongst academics (Hall, 2009) who are reluctant to recognise the importance of this issue. This resistance is discussed in chapter 9 below where the key challenges for the fellowship are canvassed in

more detail.

As proposed, the fellowship has harnessed the support of the initial fellowship allies and advocates (particularly Professors Lavarch, Mason and Kift) to connect with the legal academy in a positive way; linking, for example, into the *Law School Guidelines* development work of CALD through Professor Paula Baron, presenting at as many individual law schools around Australia as possible, and connecting with the First Year in Higher Education and Australasian Law Teachers Association networks and conferences. Conference presentations were made to both these conferences in 2011, 2012, and 2013 disseminating the work of the fellowship to approximately 200 attendees.

Perhaps most importantly, as a result of the work of the fellowship and also as a result of my 2012 ALTA presentation, a book contract (with co-authors Anna Huggins and James Duffy) was signed with LexisNexis for a first year law text book that builds on the study guide written for the subject *Lawyering and Dispute Resolution* (as part of the fellowship model curriculum work through the subject *Lawyering and Dispute Resolution*, one of the practical curriculum outcomes of the fellowship work, which is discussed in more detail below). This work promotes the development of positive professional identities, the development of non-adversarial legal skills, and well-being and resilience skills in law students. It was published in July 2014 and is now being used at the QUT Law School as a required text for the new core dispute resolution subject in the first year curriculum. The forward of the book, written by esteemed colleagues Dr Wendy Larcombe, Associate Professor, Melbourne Law School, Stephen Tang, ANU Legal Workshop, and Molly Townes O'Brien, Associate Professor, ANU College of Law, reads as follows:

Since the release of the Brain and Mind Research Institute's *Courting the Blues Report* in 2009, the body of research on Australian law students' psychological distress levels has grown significantly. This research largely confirms that Australian law students have many of the same mental health issues that have long been documented in American law students. Law school and legal education have been identified as factors that can undermine students' values, ethical behaviour, and career/life satisfaction. The Australian research catalysed the development in 2011 of the Wellness Network for Law, which is a community of legal academics, practitioners and students committed to promoting mental wellness at law school and in the legal profession. This Network was founded, and continues to be coordinated by, Associate Professor Rachael Field. The activities of the Wellness Network for Law intersect with, and complement, the work of the Tristan Jepson Memorial Foundation (TJMF). The TJMF, under the guidance of its board and founders Marie and George Jepson, has been committed since 2008 to decreasing stress, disability and the causes of depression and anxiety in the legal profession. Thus, there has never been greater awareness of, or willingness to address, these important issues amongst growing sections of the Australian legal community.

Our empirical research at the Australian National University and the University of Melbourne has confirmed law students' high levels of psychological distress and identified a number of key factors in the academic environment that appear to be contributing to student distress. Specifically, our studies have found associations between elevated psychological distress levels and (1) changes in law students' thinking styles (shifts from preferences for experiential to rational thinking modes), and (2) aspects of legal education that impair the fulfilment of students' needs for autonomy, competence and relatedness (three basic psychological needs, according to Self-Determination Theory). *Lawyering and Positive Professional Identities* provides insights and strategies to address these and other factors contributing to law students' psychological distress. Specifically, the importance of metacognition about thinking styles is a central theme of Chapter 7: 'Lawyers as Thinkers', and strategies to support students' autonomy, competence and relatedness are provided throughout the book. There is thus good reason to believe that the strategies detailed in this text will help to reduce students' psychological distress and promote wellbeing.

As the empirical evidence about law student mental health has identified course-related factors associated with severe distress, the importance of pedagogical and curricular interventions to address well-being has moved to the foreground. Field, Duffy and Huggins have been at the forefront of recent Australian research in this important area. *Lawyering and Positive Professional Identities* is a wonderful reflection of their expertise and their concern for the wellbeing of the legal profession. It is also an innovative and insightful text; indeed, this is the first textbook designed to support law academics and students to turn the tide of law students' distress by focussing on the knowledge, skills and attitudes required to develop positive professional legal identities.

As the authors identify, professional identity is 'a very complex combination of a range of expectations that we have of ourselves, and behaviours that we adopt to meet those expectations, when we think about ourselves as a professional person in our chosen work context.' This text makes such expectations explicit, and it equips teachers and students with the skills and knowledge to moderate unrealistic expectations while developing healthy goals and objectives. It may be an important tool for improving the ways the law school environment nurtures students' professional identities and contributes to their future well-being. Significantly, the textbook's insights on diverse topics including lawyering, dispute resolution, independent learning, resilience and self-management simultaneously support psychological well-being and provide the foundations for success at law school and in the profession.

We recommend this book most highly. It deserves to be read widely. It will be an asset to legal educators seeking to promote mental wellness while delivering the threshold learning outcomes for law. And it will be an invaluable resource to all law students wishing to make wise choices in their legal education and careers.

The fellowship has built, and continues to build, a community of practice through the Wellness Network for Law. This Network has a website (www.wellnessforlaw.com) which is administered by a Network member from James Cook University, Kate Galloway. The Network also has a Twitter presence (@WellnessForLaw) which is managed by a Network member from Monash University Law School, Melissa Casten and now has more than 1000 followers. The Network also has a list serv with more than 100 members currently which is administered by myself and Dr Stephen Tang of the Australian National University. Colleagues in the Wellness Network are a rich source of inspiration and our online and in-person discussions have informed my own reflective practice throughout the fellowship, feeding back into the ongoing development of the fellowship program, and enhancing the fellowship outcomes. The Wellness Network has also been a critical factor in having a supportive presence within law schools around Australia for the adaptive process that is necessary as the legal academic community reflects on, engages with and gradually accepts and acts on the need for strategic change to promote law student well-being.

The *key outcome* of these fellowship activities has been to increase acceptance around Australia that strategic change is necessary in legal education to address the high levels of psychological distress experienced by law students. This has been achieved to a significant degree, however the challenge remains that there is still resistance to this message and to the work of the Fellowship. This resistance is discussed further in chapter 9 below.

Fellowship program, activity 3: Promoting strategic change by modelling good practice in law curriculum content, delivery and assessment.

The curriculum and assessment areas of focus for the fellowship's program of activities were crucial areas of strategic engagement, influence and impact for law teachers and students. The premise of the fellowship was that *modelling* one or two critical changes in each of

these areas would *strategically, viably and sustainably support positive change* in the legal education environment. In this way, the fellowship aimed to constructively influence how law is taught in Australian law schools to better motivate, engage and support students in their learning, and thereby improve student psychological wellbeing.

The fellowship recognised *curriculum and assessment* as the *critical points of learning engagement and influence with students* (Kift 2008). A range of reports on legal education have suggested that significant opportunities exist in working with curriculum and assessment in legal education to better engage, motivate and support student learning (Sullivan et al, 2007; Stuckey et al, 2007; Johnstone and Vignaendra 2003). Hess, however, noted in 2002 that legal academics had not to that point capitalised on the opportunities presented by the curriculum to address psychological distress in law students. The use of curriculum and assessment as tools to address the high psychological distress levels of students has therefore been innovative, and yet it has been a viable approach because it uses a core point of contact and engagement with students to achieve this.

The curriculum content strategy of the fellowship challenged the ‘technical rational’ notion of legal education. It is this notion which has been suggested as leading to an isolated, adversarial and competitive learning environment in law schools. The BMRI report, for example, called for a greater emphasis on positive and collaborative lawyering through less adversarial approaches to legal problems and problem solving (2009, 46–47). The fellowship strategy around curriculum was intended to produce two key outcomes. First, a model first year unit on ADR and non-adversarial legal practice that engages students at the beginning of their degree with the real potential of interests-based and principled legal practice, rather than positional and competitive practice. Second, the development of non adversarial/dispute resolution-focussed content ideas and motifs for each of the Priestley 11 core curriculum units for law (these are core units that are required for admission to legal practice).

The assessment strategy of the fellowship was intended to capitalise on assessment as a critical point of contact, influence and engagement with students, particularly for those who centre their learning on assessment tasks, as law students tend to do. It was initially intended that assessment practice would be designed with a focus on exams and tutorial participation in order to better engage, motivate and support students in their learning, and thereby address the high levels of psychological distress in law students. However, after further research and discussion with stakeholders it was decided that a reflective practice assignment provided a stronger assessment approach which was innovative and important to model as good practice (Huggins, Kift and Field, 2011). Model assessment practices have been developed around reflective practice that feed forward, letting students into the secrets of success in law assessment tasks, as well as feeding back to students to better enable them to build success into their completion of assessment items.

The curriculum and assessment strategies developed through the fellowship are outlined in more detail in chapters 5, 6 and 7 below. These strategies draw on Kift’s transition pedagogy principles and apply and adapt them to the design of the first year dispute resolution subject.

Chapter 5 - A curriculum design model to promote law student well-being through teaching dispute resolution in the first year of legal education

The two curriculum design strategies of the fellowship involved using the teaching of dispute resolution in law schools to address the high psychological distress levels in law students. First, a model stand-alone first year dispute resolution subject that could be introduced in law schools relatively quickly and simply was developed. Second, a series of dispute resolution content examples and motifs for integration in subjects in the core law curriculum were developed.

Prior to the design of these two curriculum content-oriented strategies, I engaged in discussions with colleagues. It was agreed that a model was required in order to guide the design process and inform it theoretically. It was also agreed that a model underpinning the design process would allow for the design process to be better disseminated.

Kathy Douglas of RMIT University worked with me on the model and we presented it in a co-authored paper delivered to the 2011 First Year in Higher Education Conference. The key components of the model are as follows: context, philosophy, content and delivery design, assessment and feedback. The aim of the model is to provide a framework to encourage the adoption of a dispute resolution unit in first year that will contribute to law student psychological well-being. Douglas and I sought the iterative feedback and input of conference participants in developing the model further. The model is articulated below.

Context: The first element of the model requires those who adopt and implement it to recognize explicitly that teaching dispute resolution in the first year of law is critical both to addressing the high levels of psychological distress in law students, and also to the development of the professional identity and skill sets of contemporary lawyers. This may require some legal academics to overcome the high levels of cognitive dissonance and also the rationalization tendencies on this issue that Hall has identified (2009). This cognitive dissonance must be overcome, and the important contextual factors that create the need for a dispute resolution subject in the first year must be accepted, if the model is to be successfully implemented. Additionally, law teachers themselves must engage in self-reflection and with humility consider how they can best assist students to engage with psychological well-being (Krieger, 2008).

Philosophy: The second element of the model is an underpinning teaching philosophy that involves, first, a commitment to key learning and teaching outcomes; and second, a commitment to reflective practice. In 2010 Kift et al developed six threshold learning outcomes for law as a part of the ALTC Learning and Teaching Academic Standards Project (Kift et al, 2011). The learning outcomes identify what law students need to know, and be able to do, as graduates of the Bachelor of Laws. They are adapted for this first year model unit as critical *foundation* learning outcomes of the positive learning of law in the first year. Those that are particularly important to the learning and teaching philosophy of this model unit relate to ADR knowledge, thinking skills, communication and collaboration, and self-management.

The first key learning outcome for the unit concerns the development of knowledge of both dispute resolution theory and practice. The second learning outcome then concerns the ability to use this knowledge to analyse disputes, to *think creatively* in approaching disputes and generating *appropriate responses* to disputes, and to engage in critical analysis in order to make a *reasoned choice amongst alternatives* (Kift et al, 2011). The third learning outcome concerns the development of communication and collaboration skills so that students can communicate in ways that are *effective, appropriate and persuasive*, and so that they can *collaborate effectively* in teams or groups (Kift et al, 2011). The fourth learning

outcome concerns self-management skills such that students can learn and work independently; and they develop skills to reflect on and assess their own capabilities and performance, and to use feedback appropriately in order to develop personally and professionally.

Reflective practice is also an important philosophical foundational concept for the model dispute resolution subject and builds on the fourth learning outcome of self-management. McNamara et al argue that law schools can better prepare students for the stresses and rigours of both legal education and legal practice by encouraging them to engage in reflective practice, particularly in the first year (McNamara et al, 2009). They outline a proposed framework to embed reflective practice in teaching and assessment practice as a tool for overcoming the confusion, self-doubt and uncertainty that is part of the first year experience for many law students. McNamara et al acknowledge that whilst there are a number of teaching activities to assist students to develop reflective skills, such as self and peer assessment, problem-based learning, reflective essays and journals and personal development portfolios, it is important not to use reflective activities in an ad hoc way (2009). The framework therefore involves four steps of intentional curriculum design: first, providing students with instruction on reflection; second, intervening in the student's reflective practice by creating structures and protocols to help students to reflect; third, using criterion referenced assessment to enhance the design of reflective assessment, and fourth, providing feedback on the students' reflection (McNamara et al, 2008). ePortfolio can also be harnessed as a tool for students to organise their reflection and to ensure that their journal entries are available for future reference (McAllister, Hallam & Harpur, 2008).

Content design: The proposed content of the unit involves three areas of focus. The first area of content focus is on theories of positive lawyering. These include the positive role of the lawyer in upholding the rule of law by contributing to the peaceful and orderly resolution of disputes in society; the role of lawyers in preventative practice; and the role of lawyers in restorative and therapeutic practice (King et al, 2009; Macfarlane 2008). The second area of content focus involves the development of an understanding of the spectrum of dispute resolution approaches and the positive communication and negotiation skills necessary for their effective practice. A final area of content focus concerns an appreciation of the specific role lawyers can play to best advocate for their client's interests in the range of dispute resolution options. A unit that provides students with knowledge and skills across these three areas will establish a positive and non-adversarial foundation for the development of the students' professional identity as lawyers.

Delivery design: The foundation of the design of the delivery of the unit involved an emphasis on active and experiential learning; blended learning approaches; and a conversational framework (Laurillard, 2002). Experiential learning is widely accepted as a key teaching delivery strategy for ADR subjects (Conley Tyler & Cukier, 2005; Gutman 2006). The most common learning and teaching strategy currently utilised by dispute resolution teachers in Australia (Douglas 2011), and proposed for this model unit, is the role-play. Other suggested learning and teaching approaches include interactive lectorials (a combination of lecture and tutorial techniques in medium to large style workshop classes), small group workshops incorporating practical workbooks and skills exercises, training DVDs, the use of popular culture movies to generate discussion in relation to conflict, and the integration of online learning approaches to provide a blended, flexible and motivating learning environment (Oliver, 2000; Salmon, 2000; Oliver, 2004). Some law schools may be concerned about the financial and human resource costs of the implementation of some of these delivery strategies. Therefore the model articulates a range of appropriate approaches, including some less resource intensive options, to accommodate the various circumstances of law schools around Australia that may want to implement this model.

Assessment and feedback design: The model proposes a focus on assessment and feedback design that is authentic, motivating, and empowering. Field and Kift (2010) have proposed approaches to intentional assessment design as ways of addressing psychological distress levels in the first year of legal education. These approaches promote the use of assessment

and feedback as an important first year learning intervention. The three key assessment design strategies offered include: designing assessment that is clear about what is expected of students; designing assessment that engages students by scaffolding and integrating assessment within the curriculum; and designing assessment to encourage students to be independent learners. These approaches are integrated into the model.

Field and Kift also propose approaches to intentional feedback design as a strategy for addressing psychological distress levels in the first year of legal education. Feedback is central to supporting positive student learning because it can work to clarify expectations and reassure students who doubt their ability to succeed (Yorke, 2005). Intentionally designed feedback to support psychological well-being in first year students must provide them with early and regular formative commentary on their progress; and it must assist students to understand 'what feedback is' and how to use it productively (Field & Kift, 2010). Student feedback to the teacher can also assist in finding the appropriate learning and teaching strategies to support student well-being.

Chapter 6 – A model first year dispute resolution subject

The subject LWB150: *Lawyering and Dispute Resolution* was written as part of the program of activities of this fellowship for implementation in the first year elective curriculum of Queensland University of Technology Law School. *Lawyering and Dispute Resolution* was developed to pilot model approaches to curriculum interventions that engage, motivate and support students, and thereby promote student psychological well-being. The design of the subject was informed by the conceptual model articulated in Chapter 5.

LWB150: *Lawyering and Dispute Resolution* was intended to promote student psychological well-being by encouraging students to engage with the notion of their own emergent professional identity, and the positive place that non-adversarial practice has in that identity. These components of the subject were designed to instil in students a sense of hope and optimism about their legal studies and future professional role as lawyers that, based on the scholarship of the field of positive psychology, can help promote student well-being. This chapter describes the philosophy behind the subject, its learning and teaching objectives and the delivery and assessment approaches used.

Lawyering and Dispute Resolution was first conceptualised, written and delivered by James Duffy and myself in semester 2 of 2011, as part of the Queensland University of Technology Law School's elective offerings for first year students (although many later year students also chose to enrol, with a total enrolment for this first offering of just under 300 students).

The subject was designed and delivered at an introductory first semester first year level with a design focus on supporting student well-being in transitioning to law school. It was compatible with the later year elective offered at Queensland University of Technology Law School – LWB498 *Dispute Resolution Practice* – a subject which was designed by Donna Cooper and Rachael Field to teach dispute resolution practice to later year students as an elective (Cooper, 2013).

Lawyering and Dispute Resolution was designed to provide a foundation for students about the contemporary context of legal professional practice. The focus in the subject was on the professional legal environment, and on supporting students as they develop an emergent professional legal identity. This focus was aimed at empowering students by introducing them to positive lawyering knowledge and practices early in their law degree. The subject sought to develop a realistic understanding of the rigours and stresses of legal study and of legal practice, whilst also offering an understanding of the important and positive aspects of that practice, along with strategies for resilience and well-being. In this way, the subject promoted law student psychological health by offering students hope and optimism that a positive pathway is possible for being an effective, successful law student and legal practitioner.

An important aspect of the subject was that it emphasised the positive nature of a lawyer's role in society; specifically the relational and helping roles inherent in non-adversarial lawyering and dispute resolution, and in advocacy around the rule of law. There was also strong recognition in the subject of the importance of skills for students learning law. As discussed in chapter 5 above, in keeping with the recently developed threshold learning outcomes for law, communication skills, critical thinking skills, reflective practice skills, independent learning skills, self-management skills and dispute resolution skills are posited as significantly relevant to supporting student learning throughout the law degree, equipping students with the capacity to self-manage their studies, and also their professional practice on graduation.

The subject was offered for the last time in 2013 as a new core first year dispute resolution subject is being designed and implemented in QUT's new curriculum following a curriculum review in 2013. James Duffy and I have designed the new core subject using the conceptual model, as well as the curriculum content, teaching strategy and assessment practices that were developed through *Lawyering and Dispute Resolution*. The inclusion of a dispute resolution subject in the core curriculum of the law degree at QUT is an important development and outcome from the fellowship. As mentioned above, one of the required texts for this subject will be *Lawyering and Positive Professional Identities* (LexisNexis, 2014) which was written with James Duffy and Anna Huggins as a culmination of the formal fellowship program of activities.

Learning and teaching objectives

The learning and teaching objectives of *Lawyering and Dispute Resolution* for the final offering of the subject in 2013 were articulated as follows:

At the completion of this subject students should be able to:

1. Explain the range of dispute resolution processes available to lawyers: (Graduate Capability (GC): Problem Solving, Reasoning and Research; Threshold Learning Outcome (TLO) 1 (knowledge) and 3 (thinking skills));
2. Explain selected dispute resolution skills, including communication, negotiation and mediation skills: (GCs: Discipline Knowledge, Effective Communication; TLOs: 1 (knowledge), 3 (thinking skills), and 5 (communication and collaboration));
3. Analyse legal disputes and your clients' needs in order to choose the most appropriate dispute resolution process for those needs: (GCs: Discipline Knowledge, Problem Solving, Reasoning and Research; TLO: 3 (thinking skills));
4. Evaluate the range of advocacy roles that lawyers play in contemporary legal professional contexts: (GCs: Discipline Knowledge, Effective Communication, Professional, social and ethical responsibility; TLOs: 1 (knowledge), 2 (ethical and professional disposition), 5 (communication and collaboration));
5. Reflect on your own performance, assume responsibility for your own learning and display resilience: (GC: Life Long Learning; TLO: 6 (self-management));
6. Use communication, legal analysis and critical thinking skills in the context of dispute resolution. (GCs: Problem Solving, Reasoning and Research, Effective Communication; TLOs: 3 (thinking skills) and 5 (communication and collaboration)).

Unit content

The content of *Lawyering and Dispute Resolution* was delivered over 13 weeks. It was broken down into the following weekly components: Week 1: Introduction to the Subject, The Diversity of Legal Practice, A Positive Professional Identity for Lawyers Week 2: What Lawyers Need to Know and What Lawyers Need to be Able to Do Week 3: Lawyers as Reflective Practitioners Week 4 Lawyers as Managers and Resolvers of Disputes Week 5: Lawyers as Advocates (Adversarial and Non-Adversarial) Week 6: Skills Practical Workshop - Communication Skills Week 7: Lawyers as Critical Thinkers Week 8: The Psychology of Legal Practice Week 9: Resilience for Law Students and the Legal Profession Week 10: Introduction to Positive Lawyering – Part 1: Alternative Dispute Resolution Week 11: Introduction to Positive Lawyering – Part 2: Innovative Legal Practices Week 12: Skills Practical Workshop – Dispute Resolution Role-plays Week 13: Exam preparation.

Teaching delivery approach

The teaching delivery approach of *Lawyering and Dispute Resolution* was intentionally designed to contribute to the subject's aims of engagement and motivation. It involved the integrated use of an interactive workbook, lectorials (lecture and tutorial approaches to active learning combined) and materials provided through the Blackboard site. This design was also intended to support a range of flexible learning alternatives that take account of

the different learning needs of students, and their complex life matrices and personal circumstances (including concurrent family, work and other commitments outside the university).

The interactive workbook was central to student learning in the subject as there was no one text that covered the unit's needs completely, and it provided students with guidance as to the core content of the subject. The workbook was augmented by the prescribed text and other resources (predominantly journal articles provided online through the subject's website), providing students with a clear roadmap to the subject. The workbook also guided students through the readings each week and provided them with activities and discussion points to develop their understanding of the key subject concepts. Students were asked to prepare for the lectorials (whether they engaged in-person or by audio) by reading the workbook and thinking about the activities and discussion points for each week.

The lectorial component of the subject involved 12 face to face sessions held across the course of the semester. Lectorials were all audio-taped and made available on the subject's Blackboard site for all students immediately after the lectorial had been delivered. The design of the lectorials intended to assist students to understand (deeply) the content of the subject; for example, by encouraging students to make connections with their own previous life experience, to unpack and analyse difficult concepts, and to seek additional support for understanding if required. To achieve this, lectorials were delivered in an interactive way, with a co-lecturer model, and with intentionally designed opportunities for active learning and discussions. Two weeks of the semester were also devoted to small group skills workshops with a focus on practising and developing dispute resolution and communication skills. An optional workshop for external students replicating these workshops was run during the semester external attendance school. An optional online discussion forum also provided all students, whatever their study mode, with an opportunity to engage in discussions about the subject content, concepts and issues.

The prescribed text for the subject was: M King, A Frieberg, B Batagol, R Hyams, *Non-Adversarial Justice*, Federation Press, Sydney 2009.

Unit assessment

The sense of helplessness that first year students experience is comparable to the feelings of uncertainty and confusion that make up Schön's 'indeterminate zones' of professional work. The first year of law school is an 'indeterminate zone' for students and it can be said that this makes it difficult for students to take advantage of the curriculum and institutional efforts being made to support their transition to first year higher education. First year students need assistance, therefore, with the development of their emotional intelligence in order to be able to unravel the uncertainty and anxiety of the first year (such as not knowing whether they are achieving the required academic level due to an absence of feedback), as well as to be able to make the most of the first year experience assistance and support that is made available to them.

Based on the work of McNamara et al (2008 and 2009) and also of Kift, Huggins and Field (2011) James Duffy and I agreed that one of the best ways to introduce students to emotional intelligence is through teaching them reflective practice, particularly where it is treated as 'an art' in itself (Neumann, 1999-2000, p. 407) and 'rigorous in its own terms' (Schön, 1987, p. 13). Therefore, although the initial Fellowship proposal had envisaged that the assessment strategy would focus on law exams and tutorial participation, in *Lawyering and Dispute Resolution* it was reflective practice that was harnessed to support law student well-being.

The assessment in *Lawyering and Dispute Resolution* involved, first, a reflective practice exercise (worth 40 per cent of the total mark) on the set theme relating to dispute resolution or developing a 'positive professional identity'. The trigger for the reflection was

an (approximately) 20 minute interview with a lawyer about the set reflection theme. The design intention was that hearing the career story of a current professional would provide students with an associative and vicarious learning experience to inform their learning through reflection. Floyd and Gallagher assert that engaging with narratives about lawyering 'can be fruitful, if not crucial, for law students as they develop their professional identity and purpose' (2006, p. 942).

The reflective exercise involved scholarly and informed reflection using the 4Rs reflective method developed by the ALTC DRAW Project (2011). This approach can be broken down as: (1) reporting on the interview, (2) relating and making connections between the interview discussions, the reflection theme and the student's own skills, experience and knowledge, (3) demonstrating their understanding of the theme through reference to the relevant theory and literature, and (4) developing ideas for the student's own future practice and understanding.

Students were able to complete the reflective assessment individually or in groups of up to three. A criterion referenced assessment sheet for the reflective practice exercise was negotiated with the students and made available on the subject's Blackboard site.

The second assessment item involved a centrally administered exam (worth 60 per cent of the total mark for the subject) designed to assess student understanding of the subject content covered across the semester. The exam was an open book examination – meaning that students could take any materials into the exam room except for library books. A range of Faculty support materials and also information sessions were made available to assist students with preparing for the exam. (The first offering of the subject had also included a 30per cent, 2000 word assignment. A decision was made, based on students and staff feedback, to discontinue this assessment item in subsequent offerings of the subject on the basis that it imposed too heavy a workload on both students and on staff.)

Students received formative feedback throughout the subject through participating in lectorial discussions and through the skills workshops. Individual written feedback was also provided to students on their reflective practice exercise. Generic feedback on the reflective practice exercise and the examination were placed on the subject's Blackboard site.

The elements of *Lawyering and Dispute Resolution* that promoted law student well-being

One of the key objectives of *Lawyering and Dispute Resolution* as a subject developed as part of the fellowship was to address law student psychological distress, and promote law student well-being, by engaging, motivating and supporting students in their first year of law school.

Student Engagement

Student engagement is increasingly acknowledged as critical to student learning. Martin Seligman, a proponent of positive psychology, has also highlighted engagement as a key element of well-being (2011, 16). Drawing on the work of Biggs and Ramsden, motivation and support were seen as critical in *Lawyering and Dispute Resolution* to achieving student engagement (Biggs and Tang, 2007; Ramsden, 2003). By intentionally designing the subject to achieve high levels of student engagement, we aimed to support high quality student learning, deep learning outcomes, student involvement and connectedness, and thereby to promote student psychological well-being.

A range of approaches were employed in the subject to promote student engagement, and consequently, student psychological well-being. The subject was delivered using a co-lecturing model whereby James Duffy and I attended and delivered the lectorials jointly each week, exploring the subject content by way of a conversational technique with each

other, and with the students, that is based on Laurillard's conversational framework (2002). This approach drew students into questioning and analytical discussion to promote understanding of the content of the subject, and kept the classroom active and alive. Further, guest lecturers from the profession were invited to speak with the class to help students make connections between their learning and the real world of legal practice. In addition, the practical component of the subject explored dispute resolution and communication issues through the lens of authentic 'real world' examples. Two of the most important strategies in the subject for achieving student engagement were the focus on supporting students to develop an emergent positive professional identity, and the focus on the importance of non-adversarial approaches to lawyering. Both these approaches drew on the positive psychology scholarship of a framework of hope (Martin and Rand, 2010; Snyder, 2000).

Hope

Martin and Rand recently asserted that 'law students need hope' because research on hope has shown that it 'predicts academic performance and psychological well-being among undergraduate students' (Martin and Rand, 2010, 203-204). Snyder, a proponent of hope theory as an element of positive psychology, advocates that hope can provide a model for understanding and explaining cognitive approaches to motivation and goal setting (2000). It is a positive thing to engender hope in our students, particularly in their first year.

Martin and Rand note the following characteristics that tend to be found in people who have hope (2010, 214):

- 'Hope has been shown to positively correlate with self-esteem, perceived problem-solving abilities, perceptions of control, and positive affect.'
- 'High-hope persons tend to experience better mental health.'
- People with hope have 'greater pain tolerance', and recover better from illness and injury.
- Hope has also correlated positively with social competence and social awareness.

In terms of the academic context, research indicates that (Martin and Rand, 2010, 215):

- Hope is a predictor of 'higher graduation rates and higher undergraduate GPAs, even above and beyond the levels predicted by intelligence.'
- 'High-hope students (are) more engaged in learning and employ less disengaged coping strategies' (for example, use of drugs or alcohol).
- 'High-hope students tend to use engaged coping strategies that are problem focused and deal directly with the stressor, such as studying for an exam or working on a paper.'
- High-hope students are able to remain goal focused and 'on task' and they are 'less likely to become distracted by self-deprecatory thinking and counterproductive negative emotions.'
- 'High-hope students use information about not reaching their goals as diagnostic feedback to search for other feasible approaches.'
- 'High-hope students tend to set their goals based on prior performances, stretching to reach the next, slightly more difficult standard.'
- 'High-hope students are better at breaking down a larger goal into smaller, sequential steps and setting markers to track their progress toward reaching that goal.'
- 'High-hope students tend to be highly motivated.'
- High-hope students engage in positive self-talk such as: "I will get this done!" and 'Keep going!'"

Snyder's Handbook of Hope explains that hope can be understood in terms of three key elements: goals, pathways thinking and agentic thinking. A person has hope when they are motivated and have strong will power (agentic thinking) to generate a range of strategies (pathways thinking) for achieving a goal (an endpoint). In *Lawyering and Dispute Resolution* we used hope theory to provide a framework for teaching students about both a positive professional legal identity and also the importance of non-adversarial lawyering. This approach promoted law student well-being (see Appendix A for student evaluative feedback that evidences this outcome).

Promoting the development of a positive professional identity

Explicitly encouraging students to think about, and to start to develop, a positive sense of professional identity supports them in beginning to know what sort of lawyer they want to become, and how they are going to be a lawyer. In *Lawyering and Dispute Resolution* we asked students to engage with the notion of forming a 'legal professional identity' by reflecting on their emerging professional ideals and professional purpose. This approach addressed one of the shortcomings of legal education identified by the influential US Carnegie Report - its almost exclusive focus on legal doctrine and analysis (2007; Alexander, 2010, 465).

Through engaging students with starting to develop a positive professional identity James Duffy and I intended to support them as emergent members of our profession, and to provide contextual and real-world motivation, by connecting students with a vision of potential professional pathways that offer the possibility of professional meaning and purpose. We knew this approach, based on available research, was empowering (Floyd and Gallagher, 2006, 943) and could contribute to a sense of well-being through developing a sense of fit in both the legal education and legal professional communities (Howieson, 2011).

In *Lawyering and Dispute Resolution* we sought to employ the framework of hope by using the subject content, delivery approaches and reflective practice assessment to: (1) establish a goal of developing an emergent sense of professional identity, (2) support the students in generating strategies to achieve this goal (through understanding the importance of a positive professional identity, engaging with the literature, and speaking with real life lawyers in an interview about professional identity); and (3) create a learning environment that motivates students (or gives them the will-power) to achieve the goal of an emergent professional identity. The content of the unit and its delivery method were important to achieving these things. However, the critical element of the subject for implementing this framework was the reflective practice assessment item.

The student comments in Appendix A below affirm that the curriculum design focus in *Lawyering and Dispute Resolution* on professional identity is a positive approach. In harnessing the framework of hope, it does appear to be engaging, motivating and supporting students. This approach to a first year law unit is one that can successfully promote the psychological well-being of law students.

Dispute resolution knowledge, skills and attitudes

The focus on non-adversarial justice and dispute resolution in LWB150 *Lawyering and Dispute Resolution* involved an attempt to explain the study and practice of law in more holistic terms than adversarial approaches, which are characterised by conflict, competition and zero-sum outcomes (that is, when somebody wins, someone must lose). An in-depth focus on non-adversarial justice allows students to critique the excesses and deficiencies of the adversarial system and take these lessons forward into the rest of their law degree. Exposure to the non-adversarial paradigm creates another pathway for students to envisage the positive professional role that lawyers play.

In LWB150 *Lawyering and Dispute Resolution*, students were taught about dispute resolution as an approach to legal practice 'where non-curial options are privileged over litigation and holistic problem-solving is encouraged' (Douglas, 2011, 1). By focussing on theories of non-adversarial justice (therapeutic jurisprudence, restorative justice and preventative law) and introducing students to the spectrum of alternative dispute resolution processes (from negotiation through to arbitration) we aimed to situate adversarial practice and litigation as an important, but statistically less frequent means of dispute settlement. This encouraged students to consider how they might conduct themselves as lawyers and how they might perceive their future role in the legal system.

In as early as first year, due to the use of Socratic and case-based teaching pedagogies and a focus on appellate decisions, our students are in danger of developing conflict orientations that privilege adversarialism and litigation. By situating LWB150 *Lawyering and Dispute Resolution* in the first year of the law degree and focussing on non-adversarial justice and alternative dispute resolution, we aimed to engender a conflict orientation in students that accepts and appreciates the benefits of less adversarial dispute resolution options. The intention here is to allow students (from first year onwards) to view legal problems and the role of legal actors, through both adversarial and non-adversarial lenses. The flow on effect is that students become equipped with a more complete legal problem-solving arsenal. They are also better positioned to assess the appropriateness of adversarial practice as the dominant dispute resolution technique.

The specific focus on alternative dispute resolution and the teaching pedagogies employed in *Lawyering and Dispute Resolution* were designed to increase the psychological well-being of our students. This design is based on the empirical findings of Howieson and Ford in 2007 and Howieson in 2011, where participation in an ADR course at the University of Western Australia was shown to increase a student's sense of belonging to the law school and create higher levels of student engagement. Empirically, Howieson was able to show that there was a significant correlation between a law student's sense of belonging and their level of mental well-being. This finding is consistent with self-determination theory which posits that 'human beings require regular experiences of autonomy, competence and relatedness to thrive and maximise their positive motivation' (Sheldon and Krieger, 2007, 885). According to Sheldon and Krieger, autonomy, competence and relatedness are precisely the kinds of experiences that law students implicitly take into account when evaluating their own well-being. By offering *Lawyering and Dispute Resolution* in the first year, the intention was to address the decline of law student psychological well-being when it is known to be happening. There is also benefit in maximising student engagement with the law degree as soon as possible, so that it might flow into other subject areas in future years, decrease first year attrition rates and not arrive too late for some law students (that is, as an alternative dispute resolution subject offered as a stand-alone final year elective).

Teaching new ways to think like a lawyer

The traditional approach to 'thinking like a lawyer' was analysed and discussed critically in *Lawyering and Dispute Resolution*, during a week that focused on critical legal thinking. Whilst the traditional approach to legal reasoning is acknowledged as one way (and perhaps the most common way) to analyse case law, legislation and to engage in some aspects of legal problem-solving, the students were challenged to see creativity, emotion and relational thinking as also relevant to how lawyers should 'think'. Issues of balance and timing were suggested as important in terms of deciding how, in any given context, a lawyer should approach the process of thinking like a lawyer.

Explicitly discussing and thinking critically about how to think like a lawyer in a subject that promotes dispute resolution and non-adversarial justice, allows students to appreciate that traditional modes of legal thinking often do not translate well to non-adversarial environments. The use of experiential learning techniques, such as negotiation and mediation role-plays, reveals to students, the emotion, psychology, perceptual error and judgmental bias that is inherent in human conflict. These role plays, along with explicit instruction on the nexus between psychology and the law, and the role of emotion in conflict, were used to counterpoint the detached nature of thinking like a lawyer, which de-emphasises the human elements of a legal narrative and removes personal and moral thought processes.

By articulating and valuing the intuitive, the emotive and the personal reactions to law, *Lawyering and Dispute Resolution* aimed to alleviate the psychological distress that non-discriminate adversarial/thinking like a lawyer approaches are said to induce. Parker et al have suggested that if university students approach their studies with a blinkered focus on logical, non-emotional and analytical thought processes, they will find it increasingly difficult

to identify and describe feelings, empathise with others and exercise their creative imagination (2005, 1258). Consistent suppression of a law student's personal beliefs, morals and values when thinking about the law may lead to psychological distress. In addition there is a strong irony involved in asking students to consistently knock their moral values and ethics into 'temporary anaesthesia' (Wizner, 1998, 586) under the guise of thinking like a lawyer, but expecting the highest levels of ethical awareness from these individuals when practising as a lawyer. It has been suggested that thinking like a lawyer contributes to law student psychological distress because it discourages students from being themselves (Krieger, 2002, 119). If the overuse of a traditional legal thinking construct can be said to inhibit the way a law student might otherwise think, speak or act, then self-determination theory tells us that this lack of personal autonomy or self-authenticity will over time, decrease the motivation and psychological well-being of law students and practitioners. For this reason teaching new ways to think like a lawyer, informed by dispute resolution skills and practice, was a positive way to promote law student well-being through *Lawyering and Dispute Resolution*.

Chapter 7 - Model dispute resolution motifs

This curriculum strategy reflects a concern in the literature that dispute resolution should be integrated into the legal curriculum as a whole, and not merely offered as an optional 'add on' (Menkel-Meadow, 1993; Riskin and Westbrook, 1989). Recently, Lande and Sternlight have particularly advocated for ADR to be integrated into the first year curriculum of law (2010). Whilst, in the United States some universities have adopted this approach, dispute resolution cannot be said to be routinely included in core law subjects, let alone integrated throughout the curriculum.

A range of dispute resolution content motifs were developed based on the work of Riskin and Westbrook (1989) which they collegially shared with me for the purposes of the fellowship. These motifs extend to hundreds of pages of dispute resolution content for inclusion in core compulsory subjects in the law degree such as torts law, property law, contract law and criminal law. The motifs include fact scenarios, problem-solving exercises and suggested teaching strategies. They are too lengthy to be included as part of this Report but can be made available on request. It is intended to seek the permission of Professors Riskin and Westbrook in order to allow the motifs to be shared through the Wellness Network for Law website.

Chapter 8 - Wellness Network for Law

The initiation of the Wellness Network for Law along with the email list-serv, its website, the Twitter account and the Wellness for Law Forums has been one of the most significant outcomes of the Fellowship and will continue to ensure that the Fellowship has longevity and continues to achieve impact in the Australian legal academy. Details of the elements, and success, of the Wellness Network for Law have been articulated in other chapters of this Report.

The Network has its own logo, along with business cards, badges, and magnets.

Chapter 9 – Key Challenges for the Fellowship

Academic cognitive dissonance and resistance

The number of members of the Australian legal academy who are aware of the high levels of psychological distress that our students are experiencing is increasing, and the work of this Fellowship has directly contributed to that increase. The 2009 Brain and Mind Research Institute study is available on the Council of Australian Law Deans (CALD) website, the Guidelines for Law Schools to Address Law Student Psychological Distress were developed in 2012 and approved by CALD and launched in 2013. Further, the community of academics who are committed to promoting law student well-being, for example, the members of the Wellness Network for law, is growing. There are now more than 100 subscribers to the Wellness Network for Law listserv, and more than 1000 followers of the @WellnessForLaw twitter account, and attendance at the Wellness for Law Forums remains strong.

However, it is also true that there remains a strong level of resistance amongst law academics to recognising that we have a problem in legal education. Some academics are reluctant to engage with the issue at any level. For example, at a presentation I made to a meeting of Associate Deans Learning and Teaching for Law a number of Associate Deans refused to accept the legitimacy of the BMRI research methods and findings. Others have continue to downplay the significance and/or extent of the problem and their own potential contribution to it in responses to my presentations. Many resist the possibility of their taking an active role in positively addressing the problem, with some citing workload issues

and a need to focus on doctrinal research activity.

Hall suggests that for law school academics, psychological phenomena exist which can undermine an efficient and effective response to this problem (Hall, 2009). Cognitive dissonance and rationalisation tendencies mean that some legal academics are unwilling to confront the possibility that the content, delivery and assessment practices of their own classes is contributing to the psychological distress of their students. Krieger (2002, 116) argues that such institutional denial about what he labels the 'dark side' of law school can only exacerbate the problem:

There are obvious sources of discomfort that encourage our avoidance of these issues. It is inherently unpleasant to reflect on one's darker side; and we may fear that we undermine our own enterprise, or create unwanted anxiety, if we acknowledge openly with our students the significant problems apparently occurring in law schools and awaiting many graduates when they enter practice. Further, we are not clear on the precise causes of the problems, nor do we have ready solutions to offer. It is also true that we are not trained academically for such discussions, and most of us are unaccustomed to dealing with the kind of non-rational, non-analytical matters such discussions will inevitably entail. We may feel put upon as well. After all, we are basically reproducing the system of legal education which we experienced and for which we had great aptitude as students. And human nature suggests that some of us simply avoid the substantial effort that helpful changes might require-particularly if they come at a cost to our own comfort or convenience. Regardless of individual motives for inertia, the collective result is clear: few faculties address these problems to any greater extent than if the problems did not exist at all.

In our article of 2012 James Duffy and I (Field and Duffy, 2012, p.137) put the following challenge to those in the legal academy who remain resistant to acting to support the psychological well-being of law students:

It is time for the nay-sayers to front up. For those who think the methods, the data, or the academy's collective analysis of that data is overstated, meet us in print and explain why our concerns for law student stress levels, anxiety and depression are exaggerated, or should not be acted upon.

To date we are not aware of any legal scholarship in response to this challenge.

Resistance to dispute resolution in the legal curriculum

To a lesser extent, but nevertheless a real element of resistance to the work of the fellowship was the position taken by some legal academics that dispute resolution is not a 'real' law subject because it is not doctrinal in nature, but rather predominantly skill-oriented. For this reason Kathy Douglas and I collaborated on the writing of the 2011 conference paper entitled: 'Teaching Non-Adversarial Practice in the First Year of Law: A Proposed Strategy for Addressing High Levels of Psychological Distress in Law Students' which was delivered to the 14th Pacific Rim First Year in Higher Education Conference in Fremantle. Kathy Douglas and I then hosted the first Wellness for Law Forum which included a day dedicated to considering the importance of dispute resolution in the legal curriculum. Subsequently, Duffy and I have published in the first issue of the *Australasian Dispute Resolution Journal* for 2014 an article entitled: 'Why ADR must be a mandatory subject in the law degree: A cheat sheet for the willing and a primer for the non-believer.'

Cynicism within the profession and society

An article about the Fellowship in the Courier Mail in June 2010 (<http://www.couriermail.com.au/business/cutting-stress-for-legal-professionals-should-start-at-university-says-expert/story-e6frego6-1225881328484>) sparked 16 responses and

comments online some of which are indicative of a level of cynicism with the legal profession itself – and in other professions – about the issues addressed through the fellowship. This cynicism is reflected in, but also I believe contributes to, the academic cognitive dissonance and rationalisation attitudes and practices. Some examples of such comments taken from the Courier Mail website are as follows:

Comment from Anonymous Lawyer: ‘Let's see, you work 12-14 hours a day plus the weekend, barely sleep because you are stressed about your clients, then at the end of the day those same clients criticise everything you do and society tells you that you are worthless and untrustworthy. What is there to be depressed about?’

Comment from Heywood Jablome of Somewhere in SE Queensland: ‘Given that lawyers often inflict great pain on others through their efforts (not all, but many), it seems like karma really does work. Forgive me if I have no sympathy for lawyers, and I'm guessing almost all non-lawyers feel the same way. Boo hoo...’

Comment from Bob: ‘Law is over-rated in this country just like in the US. Try any of the science disciplines (such as engineering)...70per cent drop out rate in the first year, plus it is way harder than law. I am an engineer by profession. Was an old saying in engineering if you can't make it, go and get an arts/law degree. Also can get you a job anyway in the world...the sciences are universal.’

Comment from Miss D: ‘You get told in first year that unless you can maintain a GPA of over 6, top tier firms won't even look at you. Great way to depress a whole bunch of students before the degree even begins, not sure how I've survived up to my 5th and final year but never once considered dropping out. Not all lawyers and future lawyers are money hungry, evil gluttons... some of us want to understand the system to change it to protect yours and the rest of Australia's civil liberties from the increasingly Orwellian government running our country... and Bob, there is no sense in comparing degrees nor defining your intelligence by your degree. But if you're going to do so, how bout justifying your comparison because comparing law and engineering is comparing apples and oranges. One is science/math, one is language/philosophy/critical inquiry. Some people are mathematically minded and will be good at engineering and the like... some are good at language and philosophy, and they'll be good at law. Engineering is math and logic, law is critical thinking. You cannot compare the two. Law also gets you a job in virtually any industry. And take a guess at the drop-out rate for law.’

Comment from QLD Law Student: ‘Bob, clearly only someone who has not completed a law degree, like you, would say that engineering is 'way harder than law'. I know of many engineering students who would rather drop out of university than complete a law degree. The stress attached to a law degree comes from pitting students, who have been naturally high-achievers their whole lives, against each other. Then throw in the elitism which comes with trying to secure a graduate position in a top-tier law firm - a failure to attain such 'valuable' positions has always suggested that the student is something less than competent and desirable. This mind-frame is certainly changing now, but a lot more needs to be done within universities to remove the stereotype of success = top-tier job.’

Comment from Jason of Brisbane: ‘I guess one would go loopy if spending each day attempting to answer a question that can't be disputed upon any level. I've long said they should sit down and re-write the book instead of adding more to an already complicated legal system.’

Comment from CJ: ‘Anonymous lawyer, you chose that career path. If you can't handle it then it might be time to leave. Why would you lose sleep over your clients? It's not like magistrates actually dish out jail time anymore.’

Comment from Stree: ‘This year alone I watched blood sucking lawyers fight over a house for sale for a family and at the end the lawyers got three quarters of the cost of the house

and the mug family got to share one third between 6 people which added up to next to nothing. No wonder they feel stress anxiety. I couldn't live with myself either after doing that.'

Comment from Lawyer of Ascot: 'Man up. Law School is a breeze compared to practice. If you can't cop it go work for Legal Aid.'

Comment from Lawyer of Kangaroo Point: 'Miss D you must be really naive to think that a law degree will get you a job in any industry. It is not for nothing that law students are starting to call a law degree the new arts degree. My guess as a former law student is that the drop-out rate for law is very low indeed. More people drop out of arts degrees than law degrees. Getting a job in a top tier firm depends far more on who you know than what you know and every lawyer knows this is true, no matter what they say to others. I know plenty of lawyers in top tier firms who had GPAs in the 4s but were related to senior partners, barristers and judges.'

Comment from th of b: 'Well said Anonymous - but tell me - where can you get a job in law where you only have to work 14 hour days?'

Chapter 10 – The Fellowship’s impact and evaluation

The impact of the Fellowship

The work of the fellowship has had wide-ranging impact. This impact has occurred at a local institutional level as well as at both national and international levels.

Locally, the QUT Law School has run the subject *Lawyering and Dispute Resolution* annually as an elective in the first year curriculum since 2011. Each offering of the unit has achieved an enrolment of around 250 students. In the new curriculum, to commence in 2015 as a result of a recent curriculum review, there is to be a first year first semester dispute resolution subject that is a core compulsory subject for the first year cohort. This subject will implement but also build on the curriculum initiatives developed through the fellowship. As part of the transition to the new curriculum, the subject will be run first in second semester 2014. There are more than 760 students enrolled in the subject, which will be designed and written by myself and James Duffy. Student comments and feedback on the subject *Lawyering and Dispute Resolution* are included in Appendix A. These comments contain examples of feedback about the personal benefits to well-being that students have experienced through studying the subject.

The national level of impact of the fellowship has occurred through dissemination activities such as seminars, workshops and conference presentations, as well as through the scholarship generated as a result of the Fellowship, and the establishment of the Wellness Network for Law. The running of three national Wellness for Law Forums has also had an impact at the national level (see the Appendices for the Forum evaluations). There are now more than 100 members of the Wellness Network for Law who are subscribed to the email list serv. A number of colleagues in the Network have provided testimonials about the impact of the Fellowship which are attached at Appendix B). As detailed above, national impact has also been achieved through the www.wellnessforlaw.com website and the @WellnessforLaw Twitter presence which now has more than 1000 followers. Academic resources such as scholarly articles and conference papers have been made available to a wide national (and international) audience through the Tristan Jepson Memorial Foundation website (see www.tjmf.org.au/resources/wellness-network/).

At an international level, my presentation to legal scholars and professionals in the UK 2012 was a positive opportunity to disseminate the work of the Fellowship. As a result of this presentation (as was indicated above) a contract has been signed for an edited book in the Ashgate Legal Education Series edited by Prof Paul Maharg. Further international dissemination of the Fellowship and its outcomes has occurred at international conferences in Hawaii, USA in 2012, Vancouver, Canada in 2013 and Leeds in 2014. The conference in Hawaii involved two panel sessions of Wellness Network for Law member presentations coordinated by Associate Professor Wendy Larcombe and myself.

Evaluation of the Fellowship

Professor Sally Kift was appointed as the fellowship program evaluator. Professor Kift and I planned a detailed evaluation strategy to inform the progress of the program of activities and to measure the level of success, effectiveness and usefulness of the program outcomes.

The key evaluation strategies included:

- The fellowship evaluator commented on the design, conceptualisation and outcomes of the fellowship program, and established evaluation criteria for the program of activities. Drawing on the ALTC evaluation plan (<http://www.olt.gov.au/evaluation>) the evaluation criteria included: achievement of the program’s goals, objectives and intended outcomes; satisfaction of the needs of stakeholders such as students, staff and the funding body; the

establishment of good practice; the relevance, effectiveness, efficiency, appropriateness, and sustainability of outcomes; potential usability for others; and dissemination among stakeholders.

- Participants in the fellowship dissemination activities as well as members of the Wellness Network for Law have provided feedback and comment throughout the life of the fellowship on all three elements of the program of activities as relevant through evaluation processes.
- Students have also taken part in evaluation of the fellowship activities and have fed into the development of the fellowship program, in particular the curriculum development element of the program and they have contributed to assessing the quality and usefulness of Fellowship's outcomes.
- Peer review has been received on conference papers and journal articles published during the fellowship and will continue as the work of the Fellowship continues.

Chapter 11 – Conclusion

This report explains the achievements of my 2010 fellowship work which used the teaching of dispute resolution in the law curriculum as a specific strategy for change in legal education to address the high levels of psychological distress being experienced by first year law students. The problem of psychological distress in law students must be addressed through the curriculum if law students are to be effectively supported to engage in effective learning of law, particularly in the first year of legal education. Some members of the legal academy may feel reluctant to acknowledge that the law curriculum and pedagogy may contribute to causing law students to experience psychological distress. However, it is our ethical obligation as legal educators to do no harm to our students. For this reason the teaching of dispute resolution and non-adversarial practice in the first year of legal education is considered necessary to address psychological distress in law students. The work of this fellowship aims to contribute to an optimistic future through supporting law students to learn well at law school, to develop self-management and well-being skills, and to develop a positive professional identity.

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Appendix A

Student Feedback on the Model Dispute Resolution Unit

Student Support for Authentic Real World Learning Approaches

- I liked how the unit material was always linked to real world examples such as the work that Rachael was doing and it was wonderful to have a lawyer come in and field questions - the responses he gave were very informative and definitely gave some insight into the profession.
- It is very practical so it is interesting for me as in how would we be in our job field in the future.
- The unit actually gave me a lot more understanding into the traditional approach to law school and law subjects, as well as insight into the legal profession. - I would recommend this subject to any law student.
- It has real world applications which is always nice to see.
- It was great to learn about the practicalities of lawyering that will benefit me in the future. I think that this subject should be a core subject in the law degree.
- The real world relevance was definitely the best aspect of this unit. It was so good to undertake a law subject with a different emphasis to purely litigation related aspects.
- Very interesting - new insight into the practice of law. It should be compulsory to all students in first year.
- Very relevant and practical to law students.
- This unit has been a refreshing change in respect to other law subjects that are completed. This unit has posed some serious and important questions which have helped view my law studies in a new light. A light that is more fully informed and connected with the real world.
- I really enjoyed the unit as a whole b/c it shed some light into what I may or what I might want to become when I graduate :) Not so fearful of graduation now.
- It brings to the attention of law students the realities of practice. I think that by planting the seeds at university, the practice will need to follow. I have always believed in a work life balance and really began to doubt that this was possible with law. I know think that in the future it will be, or even is right now if I find the right practice.
- Relevance.
- This unit is realistic and useful for real world practice.
- I liked the practical nature of the unit. I liked how we had to go out and find a lawyer to interview. I liked the way that Rachael taught about what a lawyer is exactly. I think it is great for law students to be aware of this, and so if they realise it isn't what they want to do they can leave.
- Taking my mind off of the law aspect of the course and focusing on me in the course and my future career.
- Put the rest of my law units into a context.
- Undertaking a subject in law that was not case based. Being able to look at other real life aspects of being a lawyer.
- The workshop on week 12 was fantastic. the role plays really made me think about ADR and addressing a clients needs and resolving the conflict.

- This Unit is highly relevant to the law degree and while it is a first year subject, I have chosen it as an elective in my third year to provide a differing perspective to the adversarial nature of most law subjects.

Student Support for Focus on Skills

- I loved the experience of doing something else other than applying the black and white of law.
- The lecturers throughout the course of the semester clearly demonstrated the relevance that the skills we were learning were relevant for future practice in law. This provided me with more motivation to succeed.
- Practical skills.
- The unit provides students with key skills on how to cope with law school and also future practice. This unit should in fact be a 'core' subject rather than an elective as it is that important in terms of the information it provides students.
- The topics are probably going to help us in the future, maybe more so than regular 'black and white' law subjects as they relate to life skills.

Student Support for Focus on Professional Identity

- Reading about the mental health of law students, interviewing a solicitor and engaging with the legal identity was simply brilliant.
- Learning about the development of professional identity and how to survive law school!
- This may more than anything be a personal preference in that I felt more of a focus on what type of lawyer we want to be could be helpful rather than dispute resolution information. I was really interested in reflecting on my professional identity and alternate paths that may be available to me at the completion of my degree. Whilst this information was covered I found that more of this type of information would be more beneficial in terms of learning as opposed to ADR.

Student Support for the Focus on Psychology

- I will be severely disappointed if James has not started his 'introduction to psychology in the law' unit (as mentioned in the week lecture) by the time I graduate. I would love to do a unit like that as an LWB unit.
- It provides an opportunity to think about and reflect on the whole of the purpose of lawyers whereby it helps one to have clarity on their path and I feel it has a bit of spiritual aspect, i.e. allowing one to connect within oneself in discovering ourselves so that we make better choices and not just be reactive to our changing environment and being influenced by external factors and becoming part of a rat race, losing oneself or losing one's awareness. I really am happy that such units have been created in a law school. It shows the awareness of the need for such practise to be balanced and happy, and thus more productive.

Student Support for Dispute Resolution and Well-Being Unit Content

- I really enjoyed the spectrum of topics that we have learned over the semester.
- As someone who is genuinely interested in the legal profession and surrounding concepts of client satisfaction, resilience, critical thinking, reflection and dispute resolution, I have learned so much.
- The content was also interesting and explained thoroughly from the lecturers.
- I felt the unit was helpful in looking at dispute resolution.

- The material was the best aspect of this unit. I believe that the material learnt in the unit will be very helpful to me in my future studies and into practice; especially the material on positive professional identity. I am very glad I decided to study this unit.
- It was a practical approach to alternative dispute resolution.
- Interesting and informative content.
- The best aspect of this unit was the material. I believe that the information I learned from the material will help me in my future studies and practice.
- Content is relevant and self explanatory.
- Very positive influence on learning about what law school is like, what to expect, how to be resilient etc. Think this subject should be compulsory for all students. I would go as far to say that there should be two subjects similar to this one - one for first years and a second for final year students to cope with change and be healthy, happy members of the legal community.
- I liked a lot of things about this unit, but the main highlight for me was learning about the options I have with my law degree, and the actual content of the unit itself.
- This unit should be compulsory for all first year students. The discussion of resilience and being mindful of your eventual career, and the possibilities of ADR are enormously helpful.
- Discussing practical directions for our future careers. Discussing feeling of inferiority amongst law students.
- It made me think about areas of the law and approaches to the law that I haven't come across in other subjects.
- I thought the foundation of this unit was the most impressive, and I really enjoyed learning about the Threshold Learning Outcomes, and how to deal with the stressors of a Law degree.
- The content - I am a fourth year student, and was glad to get back to basics. The information about depression in the workplace and reflective practice was refreshing, and the fact that some readings really held the basic stuff (what lawyers actually do) was really good. It was also good to learn about dispute resolution - rather than merely litigation. I definitely think that this subject should be made core! The readings were excellent - they weren't difficult to get through but held very good information, just about the legal field in general.
- Really helpful in learning about law as well as growing as a student and person.
- This subject was helpful in terms of learning the relevant topics.
- The tutorials and topics that are explored are very interesting.
- Really a great subject, guys. It has really helped me r.e. my own mental health as a law student. Also, the ADR stuff has been great. I have been genuinely excited to sit down and do the readings/attend the lectures each week.
- Content taught in this unit was very interesting and beneficial as law students - would highly recommend.
- Excellent unit, all students in first year should do it. The content was so relevant and necessary to give students awareness of the flaws and legal education and how to overcome it.

- Getting to know the different types of ADR more thoroughly (they seem to pop up in other subjects and you don't particularly get a very good/clear of the distinctions between them. Topics - interesting and relevant to study and life in general, particularly in relation to self-reflection.
- The information on positive professional identity and resilience were so helpful. I've struggled with these issues in first year and have now been taught how to deal with them in a more positive perspective.

Student Support from Later Year Students

- Even as a 5th year I have certainly taken a lot away from it.
- This unit was nothing like what I thought it would be, but I have been blown away about how interesting and resourceful this subject is. I think that it should be targeted at 1st years (as a 5th year, a lot of what was said I could already reflect on; which I guess in itself was still a good thing!) as students learn the fundamentals of developing a good base to get through a law degree.
- I really enjoyed this unit. I am in my final year of study and I it would have been very helpful if I had studied this subject in my first or second year.
- This unit has been so helpful to me as a 4th year student if it was available to me as a first year it would have been fantastic as a base subject. It is helpful in talking about and offering solutions to the challenges of law school and being in the legal profession.
- Students who are in their final year at law school have commented in class that they wish they had this type of unit at the beginning. That is something for the Law Faculty to consider perhaps in the future.
- I REALLY enjoyed this subject as I am in my 4th year now and I have always wondered why there wasn't a subject available that could open law students' eyes to the stressors/ aggression that is in legal practice. I think that more law students need to do this subject in first year so that they are not such perfectionists, which can often cause them to be very hard on themselves and their fellow students.
- I wish this had been available in my first year of law school (I'm in my final year).

Student Support for Unit Assessment Design

- It's clear that unless you do actually put the effort in, you won't achieve good marks - the reflective journal is a great example of this. On that note, I really enjoyed the reflective journal - I thought it was great that we were assessed on our ability to reflect, whilst learning and having the opportunity to reflect.
- I really enjoyed the reflective exercise although I did choose to limit my reflection and assignment to topics included in the subject to limit the extra workload. For me personally to get the full benefit from this unit and my own reflection maybe some aspects need to be assessed on a pass/fail. I would have focussed more on my own personal reflection rather than trying to get the highest mark with the least effort.
- Also the reflective practice has been very helpful.
- The reflective journal assignment was helpful :)
- Ability for students to input into the assessment etc.
- The break down of the marks/assessment so that there is not a 60per cent exam at the end of the semester.

- I personally learnt a lot about myself as it required a degree of self analysis. For instance, the Reflective assignment was a personal challenge as it was out of my comfort zone. However, it was a very worthwhile exercise.
- 2 group assignments + 60per cent progressive assessment prior to exam --> much appreciated.
- The reflective exercise was challenging and rewarding.
- They gave us an extension on the assignment, which was very considerate and helpful.
- Final exam weighting. Takes away some of the stress related to exams if you know you don't need many marks to pass overall.
- The reflective practice is great.
- The first assignment was brilliant. It was clear the relevance to the unit objective and a great way of apply the material to a real life person/job.
- Have two assessments and an exam that is not worth a massive amount like other law subjects.

Student Comments on Unit Design and Management

- Overall the unit was incredibly well run and polished for a well-established unit, let alone one in its first semester.
- Given that this is the first time this unit has been run, I think an excellent job has been done.
- The broken up podcasts each week were really good. Made it easier to listen to, instead of sitting down to a 2 hour podcast, was much more enjoyable and easier to sit down through 3 30 minute podcasts.
- Flexible teaching was great!
- AWESOME - very well run unit.
- The unit materials are obviously well thought out and presented well.
- Although I didn't attend the classes in person, I was still about to get the most out of each lectorial. There were only a few prescribed readings per week but they were very in depth and helpful when answering the activities.
- Lectorials.
- This unit was comfortable in the sense there was not much pressure in each lectorial.
- Very relaxed approach to the law - refreshing from the standard law teachings.
- Have a combine lecture and tutorial.
- I like that the unit is taught virtually. I am an internal student but I work full time also so it provided me with a better work/uni balance.
- Rachael and James' approach to learning is very helpful and they are very supportive of our learning needs. I feel also the class promotes inclusiveness where other subjects are quite exclusive and competitive.

Student Support for Active Learning Approach

- I liked the interactive nature of the lectures, it was good to hear the different perspectives of people but a little frustrating being an external student as we couldn't really participate.
- Interactive aspect of the unit.
- Interactive learning.

Student Support for Conversational Framework Approach

- The group chat was a good idea to allow everyone to make comments and raise questions.
- It provided discussion and understanding in relation to the context of the practice of law which is not something that is raised in other law units.
- That while incorporating authorities and literature, it also included class discussions which helped with further engaging in the learning process. The materials are always presented in a very interesting way.
- The Lectorial approach worked really well I thought.
- The approach to learning is very hands on and open for discussion. Lectorials are very involved.

Student Support for Co-Lecturing Approach

- I enjoyed the co-lecturing. R & J offered a range of opinions and teaching styles.
- The lectorials were well put together - certainly not conventional (it is the first where there were 2 lecturers at the same time), but it works incredibly well, and makes the unit enjoyable, and provides a balance of opinions.
- Fantastic lecturers, extremely engaging to listen to. 2 lecturers act almost as though it is a constant 2 hour discussion, which from a student perspective is conducting, interesting, and beneficial to maintain and open-mindedness to differing opinions. Would strongly recommend this unit for any future law student considering worthwhile electives.
- I find James very easy to listen to, relate to and he and Rachael make a great teaching team.
- James and Rachael get along - their friendship and respect for each other really showed, and coming to class was like meeting with friends. I really enjoyed this subject because of this.
- James is an excellent lecturer and when working with Rachael is able to provide a really positive learning environment.
- Good teaching style, down to earth, practical advice, good combination with Rachael - bounced off each other well.
- Kept the class engaged, good combination with James - bounced off each other well.
- Both Rachael and James were really passionate about the subject of alternative dispute resolution which made it so much better!! I really enjoyed this class and would recommend it.
- I find Rachael very easy to listen to, relate to and she and James make a great teaching team.

Student Comments on the Passion and Commitment of Teaching Staff

- I commend Rachael and James for their commitment to this subject.
- James and Rachael's genuine personal passion for our welfare has been the highlight of this subject and a breath of fresh air.
- The teaching staff have great passion for the subject matter and a desire to be involved in changing how the teaching of law at university is delivered.
- The passion and excitement of the lecturers along with interesting and useful material.

- Innovative approach to teaching - both main players are enthusiastic.
- Melinda's lecture was excellent! I loved what she had to say about happiness. It reinforced a lot of work I'd done myself on seeking happiness and purpose in my life.
- I really enjoyed this unit. The lecturers were very knowledgeable on the subject and keen and eager to get the students into feeling the same passion on the subject as they have.
- The teachers were laid back and seemed to enjoy teaching which lifted the rest of the class.

Other Student Comments

- Pretty easy.
- This unit is a lot easier than the core subjects, it was a good subject to take, just to ease the stress.
- A lighter load.
- Not having anything important to do in this subject gave me more time to catch up on my other subjects.
- It helps me understand the studying of law from another perspective, humanised the university experience.
- Rachael and James provided a clear understanding on a topic that has many complex factors. They provided practical applications and uses as well as encouraging students to do their own research on the topic and make their own determinations.
- Raising awareness - psych, ADR etc the interview with a legal practitioner

Constructive Comments for Improving the Unit

- I wonder if the focus on reflection as a tool for assessment is fundamentally flawed. I understand the theory and rationale behind the practice of reflection (sort of) however I would find it affronting to pour my heart out, genuinely try to grapple with demons that to me alone produce opportunities for growth as a person to then have that assessed by anyone let alone someone who I barely know. The solution to that dilemma is to write something 'safe' yet at the same time trying to make it sound 'deep'. The exercise that started off with good intentions ends up being another hoop to jump through. I would prefer that if it is to be used for assessment (and let's face it unless it is given a percentage of marks very few students would do it) that simply by handing it in the student gets the marks. I do not believe it is appropriate or in any way provides a learning experience for someone to have their reflection assigned a numerical value. The question has to be why do you think it is important for students to do this? The answer wouldn't involve anything to do with assigning a grade so why are academic institutions so locked into thinking it is the only way to validate a piece of assessment. Will some students take advantage of that fact and not give it the time of day- absolutely. However if it truly is a piece of assessment that provides a benefit to the student most will put in the amount of effort they are capable of given their age and stage of life. I think it is a truism that if the assessment is genuinely instructive most students will take it seriously- it is also true that if the assessment is viewed as flawed because it is way too subjective then it runs the risk of students trying to write what they think the lecturer wants to hear thus not intrinsically motivating for the student and its value diminishes rapidly. Well that was a bit over the top- my point is Rachael and James really seem to want to provide assessment that enables students to grow as people particularly as legal professional and this is to be commended I just think a one size fits all approach might backfire- if the student is not able or capable of reflecting I personally don't see how requiring them to do a reflection assists them to become reflective. But perhaps I am mistaken and have no idea what I am talking about.

- The only issue I would improve upon is making the virtual nature of the subject more engaging for students. Obviously by doing the virtual lectorial you miss out on contributing and interacting. The online forum was ok for this, but perhaps some more online activities could be introduced like an online quiz?
- I found it a bit distracting having two lecturers at once, but that was my only issue.
- I think that there should only be 1 lecturer not two. I found that a lot of the time James and Rachael often talked to each other rather than the class and wasted time.
- Maybe better communication with students, there aren't many contact hours.
- Less reading - more interactive workshops - video or YouTube links instead of reading lots of articles.
- More time for skills workshops.
- It would be good to have more guest speakers from the profession to hear their stories.
- The second assignment did not seem to be as relevant as the first. An assignment that continued on from the first or applied the first would have been more beneficial.
- I do feel that there doesn't need to be the both of them lecturing as it gets a bit confusing listening online when they're jumping back and forth. James for the first 6 weeks and Rachael for the last 6 weeks would be excellent.

Negative Student Feedback

- This subject was a complete waste of time. The content was immature and would have been suited to a year 10 legal studies student. It was not challenging nor did it provide ANY skills that would be applicable to future subjects or the workplace. The lecturers were dull it was difficult to listen to due to the lack of challenging information and assessment pieces.
- Overall I wish I had never done this subject.
- Some of the topics discussed seemed to have been dragged out just to make a week's worth of learning out of it, making studying a little bit tedious as I found a lot of it to be common sense.
- Where to start. This subject is dull. As I wrote in my essay, ADR is important for up and coming lawyers. But for anyone to pay attention, it really needs to be incorporated into something else as opposed to a subject on its own. And what exactly are you assessing in this unit? That we can tell you back what you want to hear?
- A bit wishy washy. Thought more ADR would be involved, rather than studies about law students and reflective practice etc. A bit like an arts subject.
- Lectures are too long winded, especially for people who are time poor. Even though it is a first year unit, students are 'baby fed'. Externals have to listen to all of this to get to the unit content, and some of it is a frustrating waste of time. Often the same point is labored again and again.
- There were no best aspects of this unit.

- Examples of unsolicited student feedback via email

Email received in February 2014

Dear Rachael

I didn't get around to mentioning this to you or James but I meant to let you know that I have found LWB150 really helpful over the course of the clerkships I've done this year and last year - especially all the content on managing stress and improving communication at work. I didn't appreciate the relevance of some of that content at the time but it really has

been extremely helpful.

Thanks again,

Student Name Kept Confidential

Email received in April 2013

Hi Rachael,

I'm currently enrolled in LWB150 Lawyering and Dispute Resolution.

I just wanted to give you some feedback and say that it has been so refreshing to participate in this unit.

After 5 years studying Law at QUT I have finally found myself studying a unit that I can really relate to and actually enjoy!

It's a shame that the double degree students don't get the opportunity to study this subject until they are able to start choosing their electives later on in the degree because it really should be a core subject. In such a short space of time I have found this unit to be so valuable and it offers so much perspective on the law school experience.

I just had to drop by an email and say thank you for facilitating this unit because it has been so insightful. It's really inspiring to see that people such as yourself and James are teaching about such essential aspects of 'lawyering' that don't typically feature throughout the mainstream education pathway.

From the perspective of a student who has studied law at QUT for 5 years now and has seen students drop out or suffer mentally/emotionally in such a challenging degree I can honestly say that by making this subject a core subject a lot of these issues could have been prevented. The feedback I have gotten from a lot of students is that their personal identity doesn't seem to fit the 'mould' of how lawyers should be so I think a unit such as this would be really beneficial towards student development.

Kind Regards,

Student Name Kept Confidential

Email received in March 2013

Dear LWB150 teaching staff,

I just want to let you know how much I am enjoying this unit already.

I am an external mature-age student and one of the main reasons I came to Law school was to help tackle the problem of accessing the law for those who have difficulty doing so. To this end, I am thinking of going into community law when I graduate or performing a similar role at some organisation somewhere.

A lot of what you have been speaking about regarding our professional identities and law school pedagogy has been extremely useful. All this sort of stuff I have been pondering in my head for the last couple of years and it is great to have others, especially teaching staff, articulate this.

The need to develop a positive legal identity; to fuse empathy with rationality, and to create a more constructive student learning environment is something I see as being essential, and again it is great you are emphasizing all this so we can learn that the atypical lawyer

stereotype is not the only type of Lawyer we need to become.

I could go on but I won't. I just thought I'd give you this feedback while I remember to do so.

Incidentally, it would be great if in one of the lectures you could talk about some of the different types of organisations where ADR skills are needed, alongside the areas of law that tend to need these methods the most.

Cheers,

Student Name Kept Confidential

Email received in April 2013

Hi Rachael,

I didn't make it to the lecture on Friday after all, however I've just listened to the podcast and as a 5th year law and journalism student, I just wanted to tell you how refreshed I feel after hearing such humanistic view on the legal profession.

You and James really made me feel positive about the future and have allowed me to comfort in the fact that I'm not a traditional law student and it might be okay if I don't have the disposition to go into to private practice!

Take care,

Student Name Kept Confidential

Appendix B

Testimonials from Academic Colleagues about the Impact of the Fellowship

Dr Kathy Douglas Acting Juris Doctor Program Director Graduate School of Business and Law, RMIT University

Rachael Field has shown inspirational leadership in the important and emerging concern of law student mental well-being. She used her ALTC fellowship in this area to reach out to law schools, through presentations and a forum, gathering ideas as to how to address this issue and ultimately enabling positive change. Rachael's work will directly impact on students and improve their experience of law school.

Dr Kath Hall, Associate Professor in Law, ANU College of Law

Dr Field's work on raising awareness within law schools of the challenges of managing student wellbeing, and possible initiatives to assist, has been very influential in supporting further developments within the ANU College of Law. Her staff seminar allowed members of the College who had not previously engaged with the research to meet with other staff actively researching in this area, and to discuss the new teaching initiatives developed by Dr Field, as well as the activities the College is currently engaged in. This led to a number of staff becoming involved in issues of student wellbeing that previously had not. In addition, the conference that Dr Field ran in Melbourne on student wellbeing and ADR was a ground-breaking event in that it brought together academics from around Australia to discuss the relationship between teaching and wellbeing. Many attendees commented how useful this workshop was both in terms of the depth of discussion and the collegiality it generated. Indeed, this is the most striking impact of Dr Field's work - her role in raising the profile of student wellbeing in law schools and at the same time developing a collegiality between the academics researching in this area. We are all very grateful to her for her efforts in this regard.

Dr Olivia Rundle, Lecturer, Law School University of Tasmania

Rachael's Fellowship has had a positive impact on conversations within the legal academy regarding the issue of student wellbeing. In particular, the website provides a very valuable resource to support discussion. At our latest staff meeting I gave a short report about the ADR in Legal Education and Student Well-being Forum. I was able to share information about research that has been conducted elsewhere. I was also able to provide some references for interested staff. The influence of Rachael's networking and communication will be long lasting, with well-being well and truly in the minds of the legal academy.

Associate Professor Tony Foley, ANU College of Law

I know Rachael Field through her work as a 2010 ALTC Teaching Fellow, specifically the work on developing strategies to address high levels of psychological distress in law students. This is a serious issue which besets law schools both nationally and internationally. Rachael's work – the empirical research she has undertaken, her numerous presentations (including a very well-attended seminar at my campus at ANU) and her publications (particularly her recent piece calling for greater attention to the final year curriculum in law) – have generated a groundswell of interest and had enormous impact in the academy and profession. Her work as an ALTC Fellow and her curriculum suggestions has put this topic firmly on the higher education map.

Tania Leiman, Lecturer Flinders University Law School

I first met Rachael at the First Year in Higher Education conference in June 2011, where I became aware of her work in the area of supporting the mental health of first year students, and law students in particular. Since then, Rachael has generously shared her research with me and has been proactive in disseminating current research by others with her wider

contacts. I attended the forum on ADR and Mental Health of law students organised by Rachael in Melbourne in February 2012. This was an extremely valuable event which allowed me to make important connections with law academics, members of the legal profession, and others working to support and address the mental health issues faced by current law students. Rachael consistently demonstrates an excellent grasp of key and emerging issues in this area, and works to encourage collegiality and collaboration amongst like minded legal educators. Her willingness to support and engage with innovative approaches to teaching and learning has been a catalyst for examining my own pedagogical approach. She continues to provide significant national cross-institutional educational leadership in the field of students' well being, and to create opportunities for sharing and developing both reflective and reflexive research-led teaching practice.

Marie Jepson, Founder and Director, Tristan Jepson Memorial Foundation

I write as the founder and current director of the Tristan Jepson Memorial Foundation (TJMF) set up in memory of my son, a young lawyer, who took his own life. The Foundation has been established to promote wellness in the legal profession, from judges to students by reducing psychological disability and distress.

The 2009 research, the first in Australia, initiated by TJMF and conducted by the Brain and Mind Institute, 'Courting the Blues' found that there were : 'high levels of psychological distress and risk of depression in the law students and practising lawyers ... compared with Australian community norms and other tertiary groups.' It also revealed ... negative and stigmatising views towards mental illness ... that people with mental illness are likely to be discriminated against by people such as their employers and others [there was] a low level of knowledge of issues related to mental illness [and] a reluctance to seek help.'

The findings of the research suggest that legal educational and professional organisations should give priority to instituting educational changes to increase their members 'awareness of issues of mental health and illness in workplace and in educational settings. Primary strategies for intervening to improve mental health outcomes of legal institutions include: increasing students' awareness of mental health issues, increasing the skills of legal educators in supporting law students and offering support to law students exhibiting psychological distress in particular.'

Rachael Field has accepted the challenge that law schools must accept some responsibility for the declining mental health of law students. She is passionate about supporting curriculum change to promote better professional and personal outcomes for students and ultimately a more healthy profession. Her fellowship in the area of teaching and learning has been dedicated to this goal and she has shown courage and commitment to creating change for the better.

I greatly value and appreciate her efforts.

Maxine Evers, Senior Lecturer, Faculty of Law, University of Technology Sydney

It is often said that law firms are not good collaborators, and therefore, one of the most positive outcomes of the work and research around depression in the legal profession has been the joining of law firms and lawyers to work on resilience and psychological distress in the profession. Legal academics do not face the same challenges around collaboration, however, it often takes a leader to capture the work, research and programs around an issue, to share knowledge and to bring like-minded academics together. Rachael has harnessed, through the Wellness Network for Law, the valuable work being undertaken by law faculties and, with her own leading research in this area, has made, and continues to make, a real difference to learning and teaching and the well-being of law students. This has to have a positive impact on the legal profession.

Dr Stephen Tang, Research Associate, ANU College of Law

I have benefited immensely from Rachael's outstanding leadership, enthusiasm and encouragement as part of her ALTC Fellowship on law student well-being. Rachael has been

instrumental in creating - from the ground up - a solid Australian research community in the form of the Wellness Network for Law. This has created a strong sense of cohesion and fostered collaborative research over a very short period of time, especially where there was previously virtually no dialogue between Australian researchers. Rachael has also been impeccably thorough in the communication of her Fellowship outcomes. She has always done this in a way which emphasised our shared goals and the opportunities for researchers to learn from each other.

I was very privileged to have been a participant in the ADR in Legal Education and Promoting Student Wellbeing Forum in February 2012 which Rachael coordinated (together with Kathy Douglas at RMIT). This was a very successful event which brought together law teachers, practitioners and researchers from many different areas, joined by a shared commitment not only to progress Australian research on law student wellbeing but also to implement pedagogical reforms to make Australian legal education more relevant, healthful and human.

Dr Colin James Solicitor, Senior Lecturer, Research Ethics Advisor, Student Academic Conduct Officer, University of Newcastle Legal Centre

Rachael has used her Fellowship to help us look at our students' situations with fresh eyes. She has created a Network of law teachers and researchers around Australia that has significantly raised the profile of law student well-being, and done it in a practical and positive way. Thanks to Rachael we have a broad repertoire of approaches to teaching and assessment that can help law students cope and achieve at their best, including those most at risk of anxiety and depression.

Judith Marychurch, Assistant Dean Teaching and Learning, University of Wollongong Law School

Rachael's Fellowship has been great in terms of raising awareness about the issue of student mental health in law schools across the country. As a result of Rachael's presentation to the Assistant Deans Teaching & Learning Network meeting last November, we can confidently say that all Assistant Deans now know of this important work, and the seeds have been planted in the minds of those present about the need for action. With an issue like this, that requires long-term and systemic change, there is no 'quick-fix', but raising awareness is an important part of starting the culture change we need at law school and in the profession. Rachael's Fellowship has certainly done this, and with your fostering of collegial collaborations in the legal academy, we are building the knowledge and evidence base we need to support real change.

Anna Huggins, Associate Lecturer, UNSW Law School and QUT Master of Laws (Research) Graduate

Rachael's Fellowship has provided a catalyst for raising awareness about issues relating to law students' wellbeing in the Australian legal community. A significant contribution of her Fellowship was the development of the Wellness Network for Law sub pages hosted by the Tristan Jepson Memorial Foundation website. These sub pages provide a knowledge-sharing forum about issues relating to wellbeing in the law for legal academics, law students and members of the profession. The high level of usage of these sub pages reflects their importance in meeting the needs of the legal community.

Rachael's innovative work in this field, which has been facilitated by her Fellowship, inspired me to ask her to be my primary PhD supervisor in 2011. My PhD research examines strategies for learning, teaching and assessing self-management in Australian legal curricula. Among other excellent qualities, Rachael's leadership in this field, commitment, passion, and expertise in developing pedagogical strategies for promoting law students' wellbeing make her an invaluable PhD supervisor.

Barbara Kent, Sessional Lecturer and Tutor, QUT, Member of the QLD Mental Health Review Tribunal

Rachael, I saw the article in the paper about your Fellowship and I thought it was great. Since then a number of people at the Mental Health Review Tribunal have asked me if I know you and expressed a great deal of interest in this work. It is also a topic very dear to my heart and I am delighted it is someone as capable as you tackling the issue. I think your work could be the catalyst for fundamental changes in the way law is taught. Hopefully we won't have another generation of damaged people in the profession.

Appendix C

Evaluations of the Wellness for Law Forums in 2013 and 2014

Evaluation of the Wellness for Law Forum 2013

35 people responded to the survey.

1. How clearly was the information presented at the Wellness for Law Forum 2013?

35 people answered the question.

Extremely clearly - 51.4% (18 responses)

Very clearly - 42.9% (15 responses)

Moderately clearly - 5.7% (2 responses)

Slightly clearly - 0.0% (0 responses)

Not at all clearly - 0.0% (0 responses)

2. Was too much information covered at the Forum, too little information covered, or about the right amount of information covered?

35 respondents answered the question.

Much too much - 0.0% (0 responses)

Somewhat too much – 5.7% (2 responses)

Slightly too much – 14.3% (5 responses)

About the right amount – 80% (28 responses)

Slightly too little – 0.0% (0 responses)

Somewhat too little – 0.0% (0 responses)

Much too little – 0.0% (0 responses)

3. How new was the information presented at the Forum?

35 people answered the question.

Extremely new – 8.6% (3 responses)

Very new – 37.1% (13 responses)

Moderately new – 48.6% (17 responses)

Slightly new – 5.7% (2 responses)

Not at all new – 0.0% (0 responses)

4. Was the event better than what you expected, worse than what you expected, or about what you expected?

35 people answered the question.

Much better – 40.0% (14 responses)

Somewhat better – 34.3% (12 responses)

Slightly better – 14.3% (5 responses)

About what was expected – 11.4% (4 responses)

Slightly worse – 0.0% (0 responses)
Somewhat worse - 0.0% (0 responses)
Much worse - 0.0% (0 responses)

5. Overall, were you satisfied with the event, neither satisfied nor dissatisfied with it, or dissatisfied with it?

35 people answered the question.
Extremely satisfied - 80.0% (28 responses)
Moderately satisfied - 17.1% (6 responses)
Slightly satisfied - 0.0% (0 responses)
Neither satisfied nor dissatisfied - 0.0% (0 responses)
Slightly dissatisfied - 2.9% (1 response)
Moderately dissatisfied - 0.0%(0 responses)
Extremely dissatisfied - 0.0% (0 responses)

Qualitative responses to the question - Is there anything else you'd like to share about the Wellness Forum 2013?:

1. Wonderful to have so many law schools starting to commit to this issue.
2. Yes, this forum and the previous one were very important events. They have provided a great forum for the presentation of the latest research and thinking in relation to issues concerning the mental health of law students (and this forum extended to the profession). Building on that they provided a forum to present excellent ideas about and discussion of curriculum reform, design and implementation. They also facilitated many conversations between like-minded people from disparate institutions, no doubt giving rise to many new ideas and future collaborations. I don't think that their importance can be over stated. A big thank you to the organisers.
3. The sessions were all of a consistently good quality. The atmosphere was collegial and supportive. Good idea to use video conferencing so as to enable participation by US Keynote speaker. Well done to the organizers.
4. It was a great event. The only change I would suggest is more opportunity for discussion - we had a wonderful group of engaged and knowledgeable people in the rooms.
5. Very important to keep this group, and the subject, going into the future. An excellent event.
6. I thought it was incredibly valuable, but we were really preaching to the converted. It would be great to get some law firm representatives along to the next forum.
7. A really important event. Great to bring everyone interested in this area together to discuss ideas. Thank you!
8. Super job everyone, great Forum.
9. Thank you very much for the opportunity to attend such a well organised and professional forum of interdisciplinary colleagues with such good will and the wellbeing of our students in mind.
10. Thank you for bringing us together to learn from each other. We are a small but committed group with interests across the profession.
11. Thanks for getting funding. It allowed me to attend.
12. I really appreciate the great sense of community and sharing. Wee done-one of the best conferences in ages.
13. This was one of the best forums/conferences I've attended. The formal sessions were

either informative, affirmative or inspirational and sometimes a combination of all three. The forum had such a great "vibe" to it - people sharing a common concern about a problem that informal discussion was terrific, open and there just wasn't enough time at breaks to talk with everyone I wanted to talk with - discussion was spontaneous and people were genuinely interested in what others were doing and genuinely wanting to learn and improve their own contributions to well being - there was no stilted small talk over coffee at this gathering! Well done to all concerned, this is definitely something that should continue every year and perhaps it could be rotated around law schools so the costs and time to organise it are shared.

14. Given there are so many factors regarding wellness that link together, it was a shame that, in order to cover as much content as possible, there were so many concurrent sessions - I would have liked to go to all of them. Prof Krieger's session was fantastic, particularly because he not only identified the problem but also had so many useful strategies to address it, at least in the law school environment. Marie Jepson's session was also fabulous - I think dealing with firm culture is one of the hardest issues to address but her plan for workplace standards might finally get some traction if we can all help drive it. Otherwise, the lip service firms currently give to this issue will continue. I also learnt a great deal in the mindfulness sessions, and have been putting these strategies into practice regularly since - thanks!

15. I found this a great two days; inspiring and a very useful opportunity to meet like minded peers and to share strategies to enhance law student wellbeing. I loved Kreiger's key note and am taking it back to Monash Law for wider dissemination. This has been the highlight of the past few years and I remain inspired and committed to improving the law student experience. Thank you Rachael and Wendy for a great few days. Lloyd England.

16. Yes, it should have finished at 3pm on the Friday as two full days was too much and nobody wants to be out after 3 on a Friday anyway. :-)

17. Thanks for starting something so valuable and important.

18. Great organisation, excellent papers.

19. The Wellness Forum 2013 was very professionally run and the presentations over both days were stimulating, diverse, and inspiring. I would definitely attend the Forum in future years and recommend it to colleagues.

20. This is a great forum and I am very keen to attend in 2014. Well done Rachael and Wendy.

21. People were very welcoming; I enjoyed speakers. Looking forward to papers. Thank you very much for opportunity to join such a lovely community.

22. Perhaps we could separate out student wellness and practitioner wellness more clearly (within the scope of the project of course) but they do give rise to separate concerns.

23. Just that it should be open to the judiciary as well as practising Lawyers and Barristers as it is a unique and rich resource and network which scope for so much more.

24. I thought it was extremely interesting but with wellness in the profession presented alongside wellness among law students I found that some of it was not so relevant to me in the University setting. I am aware however that some straddle both worlds and therefore I do not see this as a significant issue. Thanks for a great event.

25. The key note speaker was not really that impressive and some of the facilitators did not appear to know very much about what they were talking about.

Evaluation of the National Wellness for Law Forum 6-7 February 2014

20 of the Forum participants responded to the survey.

Q1. Was the Forum better than expected, worse than expected, or about what you expected?

Much better – 25%

Somewhat better – 30%

Slightly better – 15%

About what was expected – 30%

No respondents responded that it was slightly worse, somewhat worse or much worse than what was expected.

Q2. Overall were you satisfied with the Forum?

Extremely satisfied – 65%

Moderately satisfied – 15%

No respondents responded that they were not satisfied with the Forum.

Q3. What could the organising committee have done differently or better to improve your experience at the Forum?

- Fabulous
- Different room for smaller presentations without computer equipment - different space for morning and afternoon tea.
- I do not have any suggestions for what could have been done differently - It was a wonderful experience! My only (very minor) comment would be that as a presenter I was emailed on the day of my presentation asking for my biography and unfortunately I did not receive the email until after the presentation and so was unable to provide a biography to the facilitator in time. But as I said, this is a very minor comment!
- I thought everything ran very smoothly - the session timings and transitions between speakers were good, the variety of topics was good. Good break down into two days - would have been good if more from the profession side came on the Friday (in terms of participants).
- Load all PPTS in advance? Getting payment for the dinner in advance was great!
- n/a
- The organisation was great.
- It was very well done, thank you.
- I think the forum could have been tightened so that material on services and the profession were presented in less time - e.g. over one day only.
- I think they did a great job and made it possible to come as it was free and so I only had to my flights and accommodation.
- Notified the external speakers of the delegates' details so that the presentations could be pitched more to the audience.

- It would have been nice to have more people from the profession attend on the first day, but there are understandable time and practical limitations. The current program split between education/practice seemed to work well otherwise.
- Maybe not have the split workshops in the afternoon - I wanted to hear everything!
- Things were done well.
- A great experience - good rigor around chairing sessions was great.
- N/A.

Q4. What suggestions do you have for the 2015 Wellness for Law Forum?

- More different perspectives.
- structured networking which makes it a little easier for those who don't know anyone.
- None.
- It would be good to attract more from the profession - especially decision-makers.
- Make sure that people move around during the dinner so we have a chance to speak to as many different people as possible. Encourage all speakers to use the microphone to ensure that all attendees can hear everything - lapel mikes are very good for this. Use remote clickers to allow speakers out from behind the podium. Liked the idea of keeping questions until after all three speakers had finished. Perhaps make more use of a panel session.
- Keep up the good work!
- Maybe deal with some topics of staff wellness.
- Should we do an official Book of Abstracts? We do one for the APSEW Symposium; it's just a pdf (so costs minimal to nothing apart from time) but has an ISBN?
- The plenary sessions were excellent on the first day of the forum, 6 Feb. Speakers of this calibre to be included in the next forum.
- Keep up the good work.
- Notifying all speakers of the delegate list to ensure presentations are pitched to the audience. Target-invite key stakeholder/decision makers to the forum to ensure that recommendations can form part of decisions and planning in the relevant tertiary institutions and in the profession itself.
- Make sure the current (and excellent) organising team gives the 2015 team a hand!
- It would be great to have slides and speech notes available online after the forum.
- The sign up information should be clearer -- and there should be tea at the morning tea every day.
- It may not be possible, but as a practitioner offering workshops that can help lawyers process vicarious trauma, having a space and time of an hour to an hour and a half, would be great to help participants get an experience of what the workshop would be like.
- N/A.

Q5. What was your favourite thing about the Forum this year? What was the thing that you liked the least?

- The variety of approaches incl. the acting analogy.
- Fav: forum am, day 2. Least favourite: nothing worth singling out!
- The collegiality amongst the Forum attendees was lovely, and I found my first attendance a welcoming experience. I found all presentations interesting, thought provoking, and I enjoyed the diversity of presentation content and backgrounds of presenters. In terms of what I liked "least", I found it challenging to choose between the different A and B presentation streams, but that was only because I wanted to attend both streams! Thank you very much for a fantastic Forum!
- I thought Stephen Tang's presentation was excellent. It would be good to get more multi-disciplinary input eg approaches and experiences from other professions.
- Love the collegiality! Liked the spilt between legal education on Thursday and Profession on Friday - both days very valuable, but seemed to make it easier for those who had to choose one.
- My favourite thing about the Forum this year was the fantastic range of speakers - the presentations of Wendy Larcombe, Stephen Tang and Marie Jepson were particular highlights. To be honest, there was nothing I didn't like!
- Stephen Tang's session on psychological interventions. (I felt, conversely, the session on inherent requirement was problematic).
- The nature of the people attending, always uplifting. Nothing I didn't like!
- The first two plenary sessions on day 1 and sessions before lunch were of most interest to me. Discussions on issues affecting regulation and lawyers' health and perspectives on psychological injuries in the workplace were also really interesting in Stream 2A; particularly Rebecca Michalak's presentation.
- Session on need to be critical of simplistic tools on offer and think about why we are doing interventions S Tang Thursday morning.
- Very friendly, welcoming collegiate environment.
- I enjoyed the diversity of speakers, each offering a different perspective on the same critical issue.
- Favourite thing: the people! The Forum was, as it has been, a wonderful gathering of such friendly, enthusiastic, passionate and intelligent people. It's a delight to attend, present and chat with this community.
- It was a fantastic event - I learnt a lot and left feeling very inspired!
- I really enjoyed laughter yoga. I thought it opened my mind to a different way to approach stress.
- I really liked where there were only two parallel sessions - it was less scattered and we had more participants in each sub group. The dinner was also a great highlight for building connection.
- Networking was great!

- I really enjoyed the interactive workshops - the ones run by the actor, the laughter lawyer and Joel. The thing I liked least was missing out on the other great presenters due to the parallel sessions.